Evaluation of the Practices,
Policies & Procedures of the
**Department for
Correctional Services**

ICAC
Independent Commissioner
Against Corruption
SOUTH AUSTRALIA
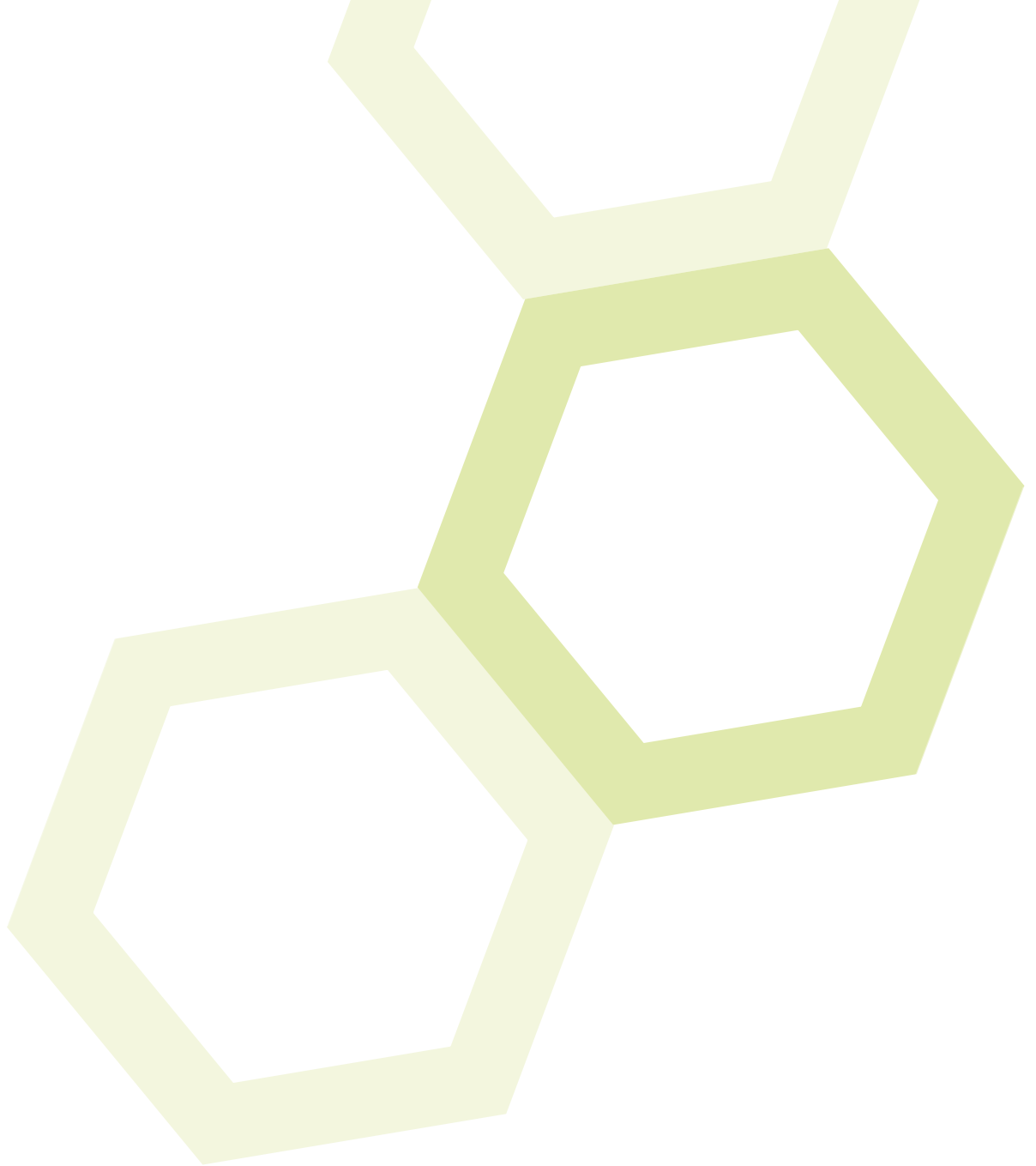
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Letter of Transmittal

The Honourable Joshua Teague MP
Speaker of the House of Assembly

The Honourable John Dawkins ADFM MLC
President of the Legislative Council

In accordance with sections 40(3) and 41(2) of the *Independent Commissioner Against Corruption Act 2012* (SA) I present the report of my evaluation of the practices, policies and procedures of the Chief Executive of the Department for Correctional Services.

Sections 40(4) and 41(3) of the *Independent Commissioner Against Corruption Act 2012* (SA) require that you lay the report before your House of Parliament on the first sitting day after receiving it.

Yours sincerely

Michael Riches
Deputy Independent Commissioner Against Corruption
23 June 2021

EXECUTIVE SUMMARY

Executive Summary

The Department for Correctional Services (the Department) is responsible for the delivery of a range of custodial and non-custodial services, most notably the management of state government prisons and the care and custody of individuals sentenced to periods of incarceration. Managing and working in a prison environment is extraordinarily dynamic and complex. Prisons are by their nature closed environments. Little is published about the day-to-day complexities faced by prison staff. Those who work in prisons ought to be recognised for their work managing such environments.

Of course, the nature of the prison environment is such that opportunities to engage in corruption are plentiful. The potential for staff to participate in the introduction of contraband, the improper access to and disclosure of confidential information, assaults on prisoners and the formation of, and engagement in, inappropriate relationships with prisoners is ever present.

Indeed, the current and former Independent Commissioners Against Corruption have commenced more corruption investigations in respect of staff within prisons (both publicly and privately operated) than in respect of staff in any other public agency.

This report is the consequence of my decision to evaluate the practices, policies and procedures of the Chief Executive of the Department. The Chief Executive is ultimately responsible for the practices, policies and procedures of the Department.

I will explain in this report why I decided to conduct the evaluation, together with my observations and some recommendations that I hope will assist the Chief Executive in discharging his responsibility to minimise the risks of corruption and to promote integrity within his department.

The evaluation has focused primarily on the corruption and integrity risks inherent in prison environments, together with some aspects of departmental practice. While I had considered extending the evaluation to other aspects of the Chief Executive's remit, such as community corrections, I decided to remain focused on the custodial environment. Nevertheless, many of the observations I have made, and some of my recommendations, will be relevant to community corrections.

I have little doubt that the majority of staff are dedicated, hard-working and genuinely committed to their duties. Indeed a great many staff contributed to this evaluation. Their contribution has largely shaped the content of this report.

I acknowledge and thank the Chief Executive and his executive staff, including the general managers of prisons, for their openness and cooperation throughout this evaluation. I thank all of the staff who participated either through the evaluation survey, face to face interviews or written submissions.

A number of challenges arose in the course of this evaluation, most notably the COVID-19 pandemic. Despite the delays and challenges occasioned by COVID-19 restrictions, I was pleased with the cooperation given to my team and me.

Before briefly summarising my observations I thought it important to make some preliminary points.

First, I am aware that the Department is not infrequently the subject of discussion and, at times, dispute in respect of industrial arrangements. Some initiatives, such as the Better Prisons Program, have drawn a range of views about its impact upon staffing and services. I received a number of suggestions about reshaping the industrial landscape, including the development of a corrections specific legislative employment regime and amending the processes for dealing with misconduct. I received some comments in respect of the public versus private debate about the delivery of prison services.

It is neither necessary nor appropriate for me to express a view on those matters. Issues of an industrial nature are often far more complex than they appear and, while some of the observations and recommendations I make in this report will require consideration from an industrial perspective, the delivery of services is ultimately a matter for the Chief Executive. Of course the Chief Executive's capacity to effect improvements in process relies upon the willingness of staff, and those who represent staff, to engage in positive dialogue rather than unhelpful obstructive behaviours.

Secondly, the purpose of an evaluation of this kind is not to comment upon the quality of services delivered by the Department. That is a matter for which the Minister and the Chief Executive are responsible. The purpose of this evaluation is to identify opportunities to minimise the risks of corruption, misconduct and maladministration within the Department.

Finally, anyone reading this report may come away with a seemingly negative view of integrity within the Department. That is an unfortunate but inevitable consequence of a report of this kind, which focusses upon gaps, weakness and opportunities for improvement, rather than every aspect of Departmental process. The reader should bear that in mind when considering the content of this report.

This report deals with a range of issues, including:

- ▶ organisational culture

- ▶ willingness to report wrongdoing

- ▶ the Department's policy framework

- ▶ recruitment

- ▶ training

- ▶ performance management.

A great deal of emphasis has been placed on the unique integrity risks that arise in a custodial environment. The formation of inappropriate relationships between staff and prisoners, the very real risks associated with attempts by prisoners to groom staff members, improving prison access controls and the impact of the 'blue-shirt code' on integrity within prisons are canvassed.

I have made a number of suggestions aimed at improving accountability and integrity, including enhanced training in respect of grooming behaviours, improvements to surveillance and the further assessment of the use of body-worn cameras throughout all prisons.

While I think the Department has a very good suite of policies and procedures, I have identified some opportunities to improve the framework under which they are managed. I have made some recommendations aimed at improvements to both policies and the policy framework.

I have identified some further opportunities for enhancing recruitment and training processes, together with strengthening expectations in respect of performance management.

In all I have made 24 recommendations. I am pleased that the Chief Executive of the Department has indicated that all 24 recommendations have been accepted and will be actioned.

I express my gratitude to the many individuals who provided information during this evaluation. I particularly thank those in the Department who were tasked with responding to the many and varied requests for information from my team and me. Those responses were provided without question or undue delay.

Finally I express my sincere thanks to Sally Fox, Anna Shortt-Smith and Chloe Ey for their assistance in conducting the evaluation and in the preparation of this report. Their support has been of immeasurable assistance.

RECOMMENDATIONS

Recommendations

In accordance with section 41 of the *Independent Commissioner Against Corruption Act 2012* I recommend that the Chief Executive of the Department for Correctional Services:

RECOMMENDATION 1
Ensure all staff receive mandatory annual training in respect of bullying and harassment.

RECOMMENDATION 2
Clarify the roles and responsibilities in respect of the policy life-cycle between the Operational Support and Performance Section and the Strategic Policy, Projects and Partnerships Section.

RECOMMENDATION 3
Ensure Executive Instructions issued by the Chief Executive or other authorised person are the subject of Standard Operating Procedure 063 'Management of Policies and Procedures' to ensure those instructions are absorbed into relevant policies.

RECOMMENDATION 4
Ensure Executive Instructions are included in the quarterly report prepared by the Strategic Policy, Projects and Partnerships Section for the Chief Executive's review.

RECOMMENDATION 5
Conduct a review of policies, procedures and Executive Instructions currently available on the Department's intranet to identify and delete outdated and obsolete documents.

RECOMMENDATION 6
Amend Standard Operating Procedure 063 to include a process to determine and approve the appropriate dissemination and education strategy to be applied in respect of any new or amended policy, procedure or Executive Instruction.

RECOMMENDATION 7
Reinforce to all managers and supervisors the need to insist on adherence to established policies and procedures.

RECOMMENDATION 8
Amend the 'Conflict of Interest Policy' to require all staff who have contact with prisoners to make a disclosure of any conflict of interest (or to declare no such conflicts exist) on an annual basis.

RECOMMENDATION 9
Introduce regular and mandatory training about grooming and inappropriate relationships for all staff who have regular contact with prisoners.

RECOMMENDATION 10
Consider the feasibility of establishing a separate communication channel for staff to raise concerns about their interactions with prisoners or their observations of others' interactions and to receive support to manage those concerns.

RECOMMENDATION 11
Develop a staff rotation policy which defines and reflects the underlying rationale and principles to be applied in determining appropriate rotation arrangements.

RECOMMENDATION 12
Reinforce the need for absolute compliance with access control screening procedures for all persons entering a prison, including staff.

RECOMMENDATION 13
Consider the merits of transitioning to an electronic mail system for prisoner mail.

RECOMMENDATION 14
Assess the feasibility of changes to CCTV technology to allow for the retention of footage for at least three months.

RECOMMENDATION 15
Advance the trial planned for Yatala Labour Prison to assess the feasibility of the widespread use of body-worn cameras in all prisons.

RECOMMENDATION 16
Consider implementing a system where workplace 'contact officers' are embedded across all parts of the organisation.

RECOMMENDATION 17

Ensure that where matters are referred to sites for investigation, steps are taken to identify and manage any perceived or actual conflicts of interest that may compromise the impartiality or perceived impartiality of the investigation.

RECOMMENDATION 18

Develop a recruitment policy setting out expectations with respect to recruitment activities conducted within the Department.

RECOMMENDATION 19

Ensure managers and supervisors receive training in respect of conducting Performance Development Plans and having difficult conversations with staff about poor performance.

RECOMMENDATION 20

Circulate information to staff reminding them of their obligation to participate in Performance Development Plans.

RECOMMENDATION 21

Develop a performance management policy and procedure that outlines performance management responsibilities and processes.

RECOMMENDATION 22

Clarify the role of supervisors in relation to performance management and Performance Development Plans.

RECOMMENDATION 23

Provide managers with access to a central information system combining information about the work history and performance of his or her staff.

RECOMMENDATION 24

Develop a policy outlining the circumstances where staff may be ineligible for overtime.

CHAPTER ONE
INTRODUCTION

Chapter One: Introduction

Evaluations under the ICAC Act

The *Independent Commissioner Against Corruption Act 2012* (ICAC Act) invests in the Independent Commissioner Against Corruption a range of statutory functions. One of those functions is:

> *'to evaluate the practices, policies and procedures of inquiry agencies and public authorities with a view to advancing comprehensive and effective systems for preventing or minimising corruption, misconduct and maladministration in public administration.'*[1]

The former and current Commissioners have delegated to me all of their powers and functions under the ICAC Act.

As I have outlined in other reports, an evaluation of practices, policies and procedures is not to be equated with an investigation of the kind ordinarily associated with the Independent Commissioner Against Corruption.

An evaluation of practices, policies and procedures is, as the phrase suggests, a structured and careful appraisal of the processes in place (whether documented or undocumented) that underpin the operations of an inquiry agency or a public authority. The purpose of that appraisal is to assist the inquiry agency or public authority being evaluated to identify gaps or weaknesses in those processes which might make that agency or authority more susceptible to corruption, misconduct or maladministration. Recommendations may then be made to remedy those identified gaps or weaknesses.

During the course of an evaluation information might be received that raises a potential issue of corruption, misconduct or maladministration in public administration. In such cases that information is passed to the Office for Public Integrity (OPI) for assessment in accordance with the ICAC Act.

An evaluation does not carry with it any powers to compel the production of information, although *'an inquiry agency or public authority must assist the Commissioner in the conduct of the evaluation as requested by the Commissioner.'*[2]

In this evaluation I am pleased to have received excellent cooperation from the Chief Executive, departmental executives and staff.

1:    *Independent Commissioner Against Corruption Act 2012* s 7(1)(d).
2:    *Independent Commissioner Against Corruption Act 2012* s 40(2).

The decision to conduct the evaluation

I decided to conduct this evaluation for a number of reasons:

► the unique and serious corruption risks inherent in a custodial setting

► trends and concerns observed from complaints and reports received and assessed by the OPI

► the volume of investigations undertaken by the ICAC involving Department employees and the corruption risks identified during those investigations

► results from the 2018 ICAC Public Integrity Survey.

Since the ICAC commenced in 2013, the OPI has received more than 500 complaints and reports about staff of the Department and the two privately run prisons. I will explain those complaints and reports in more detail later.

Between them, the current and former Commissioners have commenced 51 corruption investigations and a further 57 corruption matters have been referred to the South Australia Police for investigation.

Given the unique role played by the Department in South Australian public administration, it is essential that it has in place effective integrity controls to protect its staff, prisoners and the public.

In those circumstances I thought an evaluation was appropriate. I discussed the matter with the then Commissioner who supported my view. The current Commissioner supported the continuation of the evaluation.

Scope of the evaluation

I set the scope of the evaluation to review and report on:

1. The extent to which the Department's governance framework adequately guards against the risks of corruption, misconduct and maladministration.

2. The Department's practices, policies and procedures in respect of human resource management and whether those practices, policies and procedures efficiently manage human resources and control the risks of corruption, misconduct and maladministration.

3. The Department's practices, policies and procedures in respect of information management and whether those practices, policies and procedures ensure the accuracy and integrity of information whilst protecting against the misuse of information.[3]

4. The unique integrity risks associated with a custodial environment and whether the Department's practices, policies and procedures adequately safeguard against those risks.

3:    A typographical error appeared in the original published version of the scope. The word 'against' was omitted in error.

The Department's procurement practices, policies and procedures were not considered as part of this evaluation. At the time of commencing the evaluation a matter investigated by the former Commissioner and relating to procurement was before the court. As a consequence of those events the Chief Executive engaged an independent consultant to review its procurement practices. I have been provided a copy of that report and its recommendations. I did not think it would be of much utility to traverse the same subject matter, particularly given the Department was in the process of actioning the recommendations arising from the consultant's report.

Instead this evaluation focused on risks in a custodial environment. Some of the risks and controls that I will discuss in this report will be applicable to other parts of the Department, such as community corrections and corporate services, but the primary focus of the evaluation was in respect of prisons.

Public inquiry

Section 7(5) of the ICAC Act permits an evaluation to be conducted by way of a public inquiry. What is meant by 'public inquiry' is not defined in the ICAC Act but in my view it is a process that is to be contrasted to provisions in the ICAC Act directed towards investigations, which presuppose that such investigations will be conducted in private.

In light of the role the Department has within the community, and given an evaluation is not an investigation into the conduct of any individual(s), I thought it appropriate to conduct the evaluation by way of a public inquiry.

I sought submissions from members of the public and stakeholders who might have an interest in the evaluation.

Much of the information I received was either shared in confidence or, for operational reasons, cannot be shared publicly. Information that can be shared has been referred to in this report or has been published on the ICAC website.

This report

Section 40(3) of the ICAC Act provides that when an evaluation is conducted under the ICAC Act *'the Commissioner must prepare a report of the evaluation and provide a copy to the President of the Legislative Council and the Speaker of the House of Assembly.'*

Similarly, section 41 of the ICAC Act provides that where recommendations are made as a consequence of an evaluation, a report containing those recommendations must be prepared and delivered to the President of the Legislative Council and the Speaker of the House of Assembly.

This is a report pursuant to sections 40(3) and 41(2) of the ICAC Act.

The process

This evaluation comprised five stages:

1. establishment and commencement

2. collection and review of relevant information

3. meetings and staff survey

4. analysis

5. report preparation.

Some of the stages necessarily overlapped and, accordingly, the commencement and completion of some of the stages were not linear.

My team and I reviewed over 570 documents throughout the course of the evaluation, including over 320 documents provided by the Department.

I received 46 written submissions from departmental staff, prisoners, stakeholders and members of the public.

My team and I met with 59 departmental staff and other parties. On 16 June 2020 a staff survey was disseminated throughout the Department and I received 720 responses.

On 21 May 2021 I provided a draft copy of this report to the Chief Executive with an invitation to consider the report and make any submission to me by close of business 11 June 2021. I received the Chief Executive's response on 11 June 2021. In that response the Chief Executive accepted all 24 recommendations and set out his approach to their implementation. He invited me to consider a number of issues in the report, including further clarifying and expanding issues I have raised. Ultimately I accepted some, but not all, of the matters raised by the Chief Executive.

This final report incorporates some changes made as a consequence of the Chief Executive's input.

Impact of COVID 19 and other factors

This evaluation took longer than I had first envisaged.

In light of the changing circumstances with respect to COVID-19 and in consultation with the Department's Chief Executive, I decided to suspend the evaluation on 16 March 2020.

The suspension of the evaluation was to allow for departmental and ICAC resources to be allocated to business continuity planning and other immediate priorities relating to the impact of COVID-19. At that time an all-staff survey was placed on hold. However, the opportunity to provide written submissions remained open until Friday 3 April 2020.

On 18 June 2020 I announced the re-commencement of the evaluation. During that week the survey was released to all departmental staff and I provided the opportunity to make written submissions until Friday 10 July 2020.

Other factors later in the year contributed to some additional delay, but I express my appreciation to the Commissioner's staff who provided exemplary support to help me complete the evaluation and this report.

Report quotations

Within this report I have quoted staff in their own words. Where necessary I have omitted words which may create operational risk or might tend to identify the staff member. Quotations have not been corrected for spelling or grammatical errors.

CHAPTER TWO
INQUIRIES AND RESEARCH IN PRISON ENVIRONMENTS

Chapter Two:
Inquiries and Research in Prison Environments

The serious and inherent corruption risks arising from correctional environments are not unique to South Australia. Most, if not all, correctional institutions around the world face similar risks, including the formation of inappropriate relationships between officers and prisoners, the introduction of contraband into prisons, misuse of power by an officer over a prisoner and the improper access and use of confidential information.

There have been multiple investigations conducted and reports published into custodial related integrity issues across jurisdictions.

The South Australian Ombudsman

Over the past decade the South Australian Ombudsman ('Ombudsman') has conducted multiple investigations of the administrative actions of the Department. Investigations have primarily related to the treatment of prisoners and prisoner complaints management.

In September 2020 the Ombudsman released a report into the Department's handling of administrative issues before and after the death in 2016 of an Aboriginal person in custody at Yatala Labour Prison.[4]

The Ombudsman found the Department erred in respect of eight of nine issues investigated. The Ombudsman found that the Department failed to:

▶ follow up on issues identified during the deceased's admission and have proper processes to identify (and support) him as an Aboriginal person

▶ provide the prisoner's family with sufficient support, information and access to the deceased while he was in hospital

▶ record meaningful footage of the deceased's restraint, and failed to transport him in a vehicle with video recording capability

▶ maintain official records.

The Ombudsman made 17 recommendations and required the Department to report the details of completed or commenced actions in response to those recommendations.

4:   EXH 0402.

Recommendations included that the Department:

▶ review various internal procedures and remind staff of their obligations

▶ apologise to the deceased's family for various errors

▶ take steps to implement body-worn cameras (with a recommendation to the State Government to consider its allocation of funds accordingly)

▶ amend its procedures to clearly provide that where a van with recording capacity is not available, transport must be recorded by a hand-held camera or alternative means of transport must be arranged

▶ provide the Ombudsman with an update of processes implemented to review and improve its records management systems.

Some of the Ombudsman's recommendations, particularly regarding records management and body-worn cameras, will be referred to later in this report.
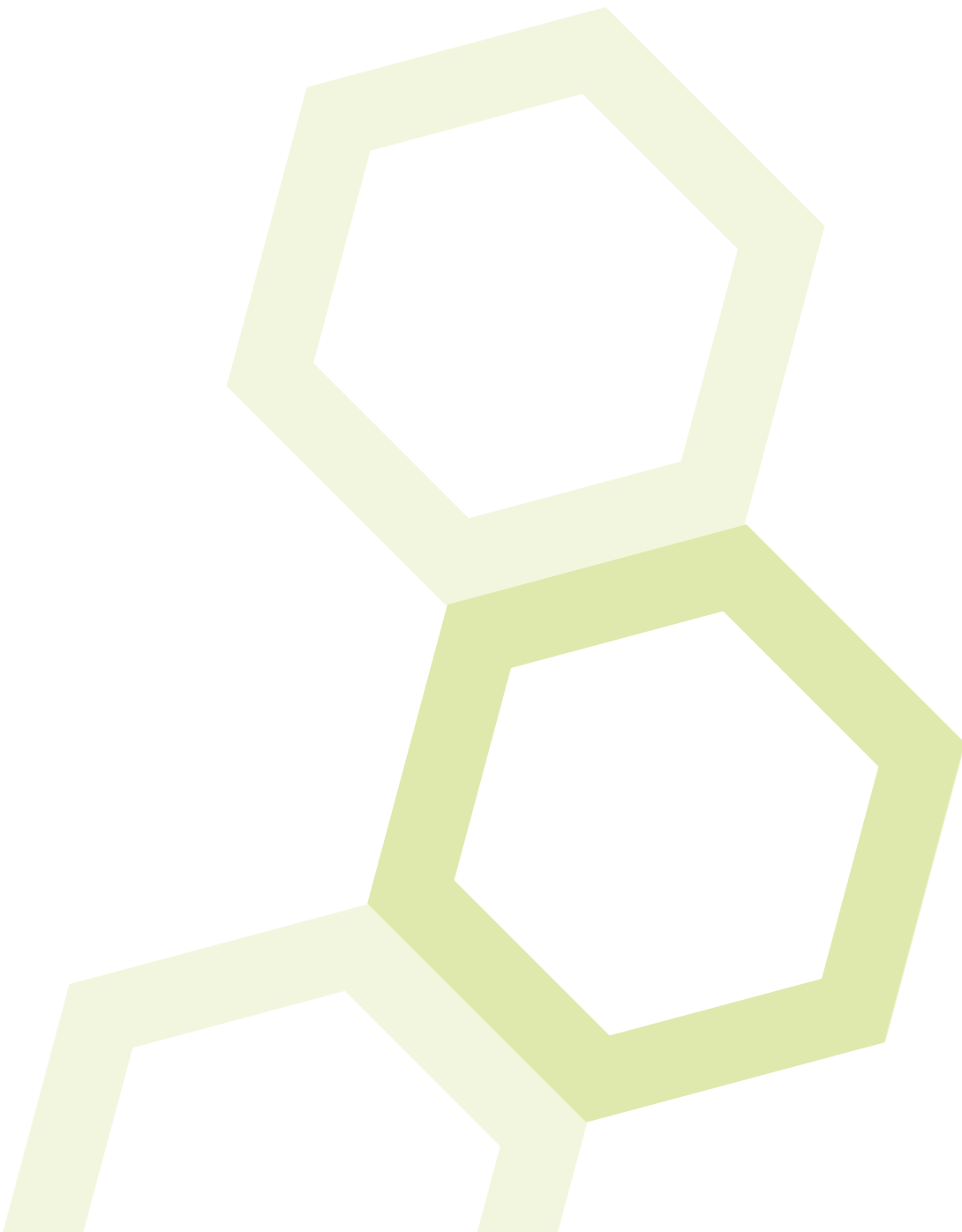
Other jurisdictions

Western Australia

In June 2020 the Western Australian Corruption and Crime Commission (WA CCC) made 51 recommendations to the Department of Justice (DoJ) arising from six previous reports.[5]

The first report involved an investigation into the failure to supervise prisoners participating in community based rehabilitation programs.[6] The WA CCC uncovered weaknesses in the DoJ's systems and procedures, in particular its ability to identify and manage serious misconduct risks associated with prisoners on community reintegration programs, allowing prisoners to groom and exploit an officer.

The second report found WA's prison system to be a corruption risk 'hot spot' and detailed how, when security is lax and opportunities for prisoners to corrupt officers are plenty, it was alarmingly easy for prisoners and organised crime syndicates to groom prison officers.[7]

The next three reports involved use of force incidents and misreporting, and exposed policy and cultural deficiencies enabling officers to influence or alter the reporting process to minimise or justify the level of force used.[8]

The WA CCC's final report, which involved an investigation into misconduct risks in WA's prisons, found the DoJ lacked adequate processes for identifying corruption risks and did not have a corruption prevention framework.[9] Recommendations included the need for simplified policies and procedures, a review of the search and screening procedures, the rotation of staff and improved technology.

5:    EXH 0476.
6:    EXH 0477.
7:    EXH 0478.
8:    EXH 0479; EXH 0480; EXH 0481.
9:    EXH 0028.

New South Wales

In June 2019 the New South Wales Independent Commission Against Corruption (NSW ICAC) released its report regarding the conduct of Corrective Services NSW officers at the Lithgow Correctional Centre.[10] The NSW ICAC found that six public officers had engaged in serious corrupt conduct in relation to the use of excessive force on a prisoner and the associated cover-up of the incident.

The NSW ICAC made 19 recommendations to assist Corrective Services NSW to address the corruption risks identified during the course of the investigation. Recommendations included that Corrective Services NSW make improvements to record keeping, image recording, review and oversight, and complaints management and investigation.

The NSW ICAC has also undertaken investigations and published reports about the smuggling of contraband into correctional facilities.[11]

Queensland

In December 2018 the Queensland Crime and Corruption Commission (Qld CCC) published its examination of corruption risks and corruption in Queensland prisons.[12]

The report noted there were unique features of a prison that create corruption risks. This included prison overcrowding, the complexity and diversity of the prison population, the closed nature of prisons, the relationships necessary to create good order in prisons, and the challenges associated with private prisons.

The Qld CCC also identified a number of corruption risks evident in Queensland Correctional Services (QCS), which included the failure to report corruption, inappropriate relationships, excessive use of force, misuse of authority, introduction of contraband and misuse of information.

The Qld CCC made 33 recommendations to help QCS better detect and deal with corruption. This included recommendations for QCS to improve its culture, risk management, organisational structure, reporting, education and training, conflicts of interest processes, staff searches, drug testing, integrity testing, technology, information security and intelligence.

10: EXH 0482.
11: EXH 0483; EXH 0485.
12: EXH 0003.

Victoria

In November 2017 the Victorian Independent Broad-based Anti-corruption Commission (IBAC) published a report into corruption risks associated with the Victorian corrections sector.[13] The IBAC found the corrections sector faced corruption and integrity risks not encountered by other areas of the public sector. This included risks of the provision of contraband, inappropriate relationships, excessive use of force and inappropriate access to and disclosure of information.

The IBAC made the following findings:

▶ the corrections sector faces risks of corrupt procurement practices due to a large portion of the budget allocated to capital expenditure. Poor supervision, record keeping and compliance, and a culture that tolerates misconduct and corruption can undermine controls

▶ Victoria's rapid workforce expansion presented challenges with attracting suitable applicants, establishing a strong integrity culture in new units, and undertaking consistent and thorough vetting of applicants

▶ prison and community correctional officers in regional areas faced additional difficulties around maintaining strong integrity standards, particularly in relation to conflicts of interests and attracting suitable employees due to smaller populations

▶ non-custodial officers may face heightened risks of grooming because they often deal with prisoners one-on-one, may have a greater focus on relationship-building and may a lack appropriate support and training on integrity and corruption issues.

The risks and remedies observed in other jurisdictions largely reflect those identified during the course of this evaluation.

13: EXH 0484.

CHAPTER THREE
DEPARTMENT BACKGROUND

Chapter Three: Department Background

The Department is responsible for the management of the state's prisons and the supervision of offenders under community-based orders. The *Correctional Services Act 1982* (Correctional Services Act) provides for the establishment and management of prisons and other correctional institutions and regulates the manner in which persons in these institutions are to be treated by those responsible for their detention and care.

The Department works to reduce re-offending through the provision of opportunities for rehabilitation and reintegration. In the custodial environment this includes education and vocational training programs and employment opportunities through the Prison Industries Programs. I am advised by the Department that South Australia has the lowest national return to prison rate.[14]

There are nine prisons across South Australia which typically accommodate more than 2,900 prisoners. A further 5,700 offenders are under the supervision of the Department across 16 Community Corrections Centres.[15]

As at 31 January 2020 the Department employed 1,972 people[16] across five directorates:

- ▶ Office of the Chief Executive
- ▶ Statewide Operations
- ▶ Community Corrections and Specialist Prisons
- ▶ Offender Development
- ▶ People and Business Services.[17]

In August 2018, the Office for Correctional Services Review (OCSR) was established within the Office of the Chief Executive to strengthen integrity measures for employees and to reduce the impact of organised crime in prisons.[18] Through intelligence reporting and investigation, the OCSR works to reduce incidents in prisons, reduce contraband entering prisons and identify organised crime or illegal activity in respect of prisoners. The OCSR also investigates matters relating to serious staff misconduct and critical incidents.

The OCSR provides information and assistance to ICAC investigations.

14:   EXH 0648.
15:   EXH 0009, p.5.
16:   EXH 0134.
17:   EXH 0009, p.18.
18:   EXH 0001, p.19.

The Statewide Operations group includes the Community Corrections and Specialist Prisons directorate and forms the largest cohort of employees representing 85% of the Department's workforce. Across the Department the majority of employees are in ongoing/permanent positions (84%) with the largest cohort (37%) being employed for five years or less, with the next largest group (28%) between five to ten years. A total of 19% of employees have been employed with the Department for more than 16 years.[19]

TABLE ONE:
SOUTH AUSTRALIA'S NINE PRISONS INCLUDE FIVE METROPOLITAN AND FOUR REGIONAL PRISONS[20]

PRISON	SECURITY LEVEL	CAPACITY[21]	ACCOMMODATION TYPE
Yatala Labour Prison	High, medium and low (male)	575	Cell
Adelaide Women's Prison	High, medium and low (female)	256	Cell
			Residential living cottages/ dormitories
Adelaide Pre-release Centre	Low (male and female)	84	Residential living cottages
The Adelaide Remand Centre*	High (male)	274	Cell
Mobilong Prison	Medium (male)	466	Cell
			Residential living cottages
Cadell Training Centre	Low (male)	204	Cell block dormitory
			Residential living cottages
Mount Gambier Prison*	Medium and low (male)	653	Cell
	Can also accommodate short term high security (male and female)		Residential living cottages
Port Augusta Prison	High, medium and low (male and female)	617	Cell
			Accommodation Unit (for Aboriginal prisoners)
Port Lincoln Prison	Medium and low (male)	178	Cell
			Residential living cottages

* Prison operated by private organisations on behalf of the Department.

The prisoner population in South Australia has increased by 48% to 2,900 in the ten years to 2018-19, up from 1,963 prisoners in 2009-10. This is consistent with the national prisoner population increase of 49% for the same period.[22] This trend has given rise to an increase in capacity for the State's prisons with recent expansion of accommodation infrastructure at Yatala Labour Prison in the construction of an additional 270 beds, 40 at the Adelaide Women's Prison, 128 at Port Augusta Prison and a further 160 beds at the Mount Gambier Prison.[23]

19: EXH 0134.
20: EXH 0648.
21: Total approved beds as at 30 June 2020.
22: EXH 0574, Table 8A.4.
23: EXH 0001, pp.4, 17, 18.

The Mount Gambier Prison was opened in 1995 and since this time has been privately managed and operated by G4S Custodial Services Pty Ltd. In 2019, the operation of the Adelaide Remand Centre was transferred Serco Australia Pty Ltd. Both private operators were selected following competitive tender processes. Those operators are responsible for the day-to-day operation of the respective prisons, while the Department retains responsibility for functions that cannot be delegated to a contractor (eg. the custody of prisoners).[24]

Both contractors are required to operate the prisons in line with the Department's policies, standard operating procedures, Executive Instructions, key performance indicators, and any directions issued by the Minister or Chief Executive. Contractors must provide regular reports to the Department including monthly performance reports against key performance indicators such as the number of escapes and the number of prohibited items found (contraband).[25]

In 2018-19 the Department facilitated almost 64,000 prisoner visitors across the State's prisons. More than 500 visitors were detained and searched where there was sufficient evidence to suggest an attempted introduction of contraband. More than 200 visitors were banned from entry into a prison.[26]

During 2018-19, more than 146,000 searches were conducted on prisoners, prisoner areas and their cells and property. More than 1,300 prohibited items were detected.[27]

Initiatives to reduce the risks of prohibited items entering prisons and to improve safety are enshrined in the *Correctional Services (Miscellaneous) Amendment Act 2018*. The Act clarifies the power to test staff and contractors for alcohol and illegal drugs and to prohibit visitors to prisons where those visitors are identified as members, associates, or those who associate with recognised criminal organisations.

The Better Prisons Program is a significant Departmental reform. Announced on 4 September 2018, this major initiative is aimed at reducing reoffending by improving the quality, safety and efficiency of the prison system.[28]

The 2019-2020 Business Plan[29] outlines a number of initiatives focused on improving operations such as:

▶ implementing a zero tolerance approach towards attempts to introduce drugs and other contraband into prisons

▶ progressing a business case to disrupt and block the illegal use of mobile phones within South Australian prisons

▶ strengthening workforce management practices, rostering principles, management and workforce flexibility to ensure the efficient and effective deployment of resources.

24: EXH 0009, pp.12, 34, 37.
25: EXH 0333, Schedule 7; EXH 0334, Schedule 8.
26: EXH 0001, p.32. (2018-19 figures used as personal visits were suspended during 2019-20 due to COVID-19).
27: EXH 0001, p.32.
28: EXH 0009, p.11.
29: EXH 0006.

The unique integrity risks associated with a custodial environment

There are unique and serious corruption risks inherent in a custodial environment. While the controls may differ across jurisdictions, the corruption risks within correctional facilities are similar.

The prisoner population

The prisoner population consists of a broad range of individuals. Deprivation of liberty often results in efforts by prisoners to gain control over their lives and to reduce the 'pains of imprisonment' so far as is possible.[30] This may involve further criminal activity and the exploitation of weaknesses in the system, including attempts to corrupt prison staff.[31]

Prisoners have significant and complex needs. Prisoners have higher rates of mental health conditions, chronic disease, communicable disease, acquired brain injury, tobacco smoking, high-risk alcohol consumption, and recent illicit drug use than the general population.[32]

According to research undertaken in 2018 by the Australian Institute of Health and Welfare:

▶ 47% of people entering a South Australian prison reported previously being told they had a mental health condition[33]

▶ 21% of people entering an Australian prison reported a history of self-harm[34]

▶ 24% of people entering a South Australian prison reported living with a disability[35]

▶ 22% of people entering an Australian prison tested positive for Hepatitis C and 16% tested positive for Hepatitis B[36]

▶ 30% of people entering an Australian prison reported a history of asthma, arthritis, cardiovascular disease, diabetes and/or cancer[37]

▶ 58% of people entering a South Australian prison reporting using illicit drugs in the previous year and 83% of prisoners were smokers.[38]

30: EXH 0447, p.8.
31: EXH 0447, p.8.
32: EXH 0438, pp.4, 106.
33: EXH 0437, p.2.
34: EXH 0438, p.43.
35: EXH 0437, p.2.
36: EXH 0338, p.49.
37: EXH 0338, p.58.
38: EXH 0437, p.2.

The prison setting

Correctional facilities are closed environments. They are often crowded and, by design, are isolated with little external contact. The nature of a prison environment renders those in them more susceptible to corruption.

Investigating corruption within a prison environment is particularly difficult. Methods adopted to investigate corruption within the community are not always available, or can be hampered, by the closed environment of a prison. Prisoners may not cooperate with investigators, perhaps because of fear of reprisal, ambivalence or because those prisoners derive a benefit from corrupt practices. Correctional officers may feel compelled to observe the 'blue-shirt code' and not identify and report instances of improper behaviour.

Without proper monitoring and oversight, the closed prison environment can result in circumstances where senior management, state authorities and the general public are not made aware of the challenges encountered in prisons, including the risks and incidence of corruption.[39]

The relationships necessary to affect good order

The ability to maintain good order in prisons lies squarely with correctional officers' ability to engage and manage the behaviour of prisoners. That is no easy feat and underlies the extraordinarily complex job performed by correctional officers each and every day.

In recent years there has been an increased focus on the concept of *dynamic security* which requires alert employees to interact with prisoners in a positive manner and engage with them in constructive activities, allowing staff to anticipate and prevent problems before they arise.[40]

In South Australia there has also been a shift towards improving interactions between correctional officers and prisoners as a means to advance rehabilitation and reduce recidivism. It is said that the quality of interpersonal relationships between prisoners and staff can impact on prisoners' personal experience of incarceration, and may subsequently impact on their likelihood of reoffending.[41] A senior Department executive put the concept succinctly: *'every interaction matters.'*[42]

I have no reason to doubt the importance of regular and meaningful interactions between correctional officers and prisoners, both from the perspective of maintaining good order and for rehabilitative purposes.

But such interactions can, and do, create opportunities for the formation of improper relationships if not managed appropriately. Many of the corruption matters investigated by the ICAC involved inappropriate relationships between prisoners and officers, which have in turn been the genesis for conduct such as introducing contraband or disclosing confidential information.

39: EXH 0447, p.7.
40: EXH 0474, p.6.
41: EXH 0606, p.37.
42: EXH 0363.

Complaints and reports received by the Office for Public Integrity

Between 2 September 2013 and 31 March 2021 the Office for Public Integrity (OPI) received 530 complaints and reports about the Department and the two privately operated prisons. During this period a further ten matters were commenced on the Commissioner's and the former Commissioner's own initiative.

TABLE TWO:
THE NUMBER OF COMPLAINTS, REPORTS AND OWN INITIATIVE MATTERS BETWEEN 2 SEPTEMBER 2013 AND 31 MARCH 2021

FINANCIAL YEAR	REPORT	COMPLAINT	OWN INITIATIVE	TOTAL
2013-14	27	14	-	41
2014-15	35	14	-	49
2015-16	20	11	1	32
2016-17	31	23	1	55
2017-18	26	30	1	57
2018-19	37	46	-	83
2019-20	35	70	5	110
2020-21[43]	37	74	2	113
Total	**248**	**282**	**10**	**540**

The most common themes in complaints and reports include alleged improper behaviour within the workplace, criminal activity while acting in capacity as a public officer, failure to comply with policy and procedure, improper access to and use of information, and improper record keeping.

Of the complaints and reports received:[44]

▶ 18.7% were assessed as raising a potential issue of **corruption**. Those matters were investigated by the Commissioner or former Commissioner, or referred to the South Australia Police for investigation

▶ 0.8% were assessed as raising a potential issue of **serious or systemic misconduct or maladministration** and the former Commissioner exercised the powers of an inquiry agency to investigate

▶ 21.0% were assessed as raising a potential issue of **misconduct or maladministration** and referred to the Chief Executive of the Department or to the South Australian Ombudsman for investigation

▶ 9.1% were assessed as raising **some other issue** and referred to be dealt with by the Chief Executive of the Department or the Ombudsman

▶ 48.9% were assessed as requiring **no further action**.

43: Partial year, 1 July 2020 to 31 March 2021.
44: Does not include matters not yet assessed at the time of this report. Will not total 100% due to rounding.

MATTERS ASSESSED AS CORRUPTION

The current and former Commissioners have conducted 51 corruption investigations in respect of departmental and private prison staff. Another 57 matters were referred to the South Australia Police for investigation. The predominant allegation investigated related to correctional staff introducing contraband into prisons.

GRAPH ONE:
THE GENERAL DESCRIPTION OF MATTERS INVESTIGATED FOR POTENTIAL CORRUPTION IN PUBLIC ADMINISTRATION INVOLVING THE DEPARTMENT AND THE TWO PRIVATE PRISONS FOR MATTERS RECEIVED BETWEEN 2 SEPTEMBER 2013 TO 31 MARCH 2021

THEFT **3.7%**

OTHER **4.6%**

CONFLICT OF INTEREST/ ABUSE OF POWER **6.5%**

FALSIFICATION OF RECORDS, INCLUDING TIMESHEETS **4.6%**

DISCLOSURE OF CONFIDENTIAL INFORMATION **9.3%**

SUBJECT MATTER OF INVESTIGATIONS

CONTRABAND **49.1%**

USE OF FORCE **22.2%**
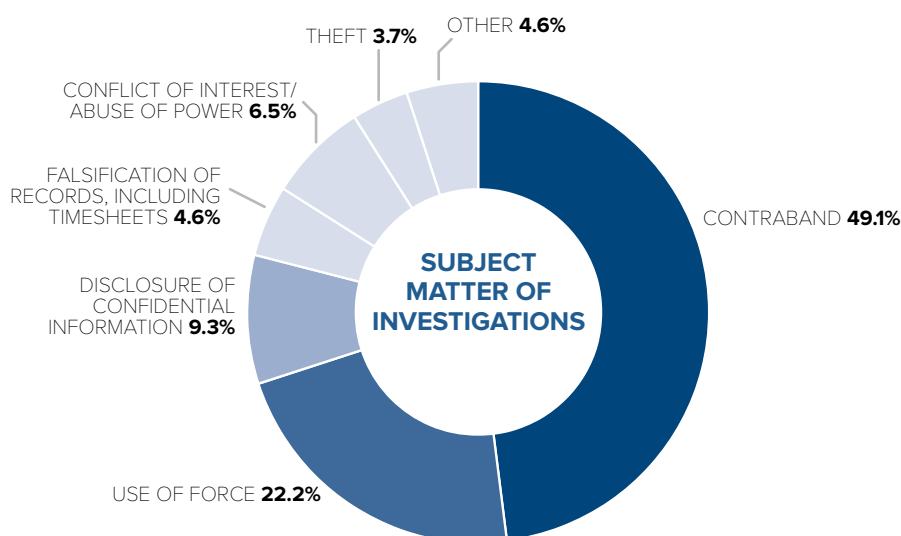
RESULTS OF THE 2018 PUBLIC INTEGRITY SURVEY

In 2018 a survey was conducted to better understand the attitudes and experiences of public officers about issues of integrity. The survey was open to all public officers in state and local government. More than 12,500 responses were received, including 528 responses from staff of the Department. For convenience I will refer to this survey as the '2018 survey'.

The 2018 survey highlighted a range of issues across public administration. Two reports were published by the former Commissioner reflecting the qualitative and quantitative findings.[45]

It revealed that a significant proportion of Department respondents reported having personally encountered corrupt or inappropriate conduct in the five years preceding the survey.

45:   EXH 0637; EXH 0638.

This included:

> ▶ more than half of the Department's respondents had experienced bullying and harassment and nepotism/favouritism

> ▶ high proportions of respondents reported conflicts of interests, failure to fulfil duties, misuse of power, and inappropriate access to and misuse of confidential information

> ▶ nearly one in five respondents reported witnessing physical abuse/assault

> ▶ a high proportion of Department respondents felt the Department was highly or extremely vulnerable to a wide range of corruption and inappropriate conduct.

It was also apparent from the 2018 survey that while there was a well-established departmental framework for reporting corrupt or inappropriate conduct, the willingness to report this conduct internally was lower than the whole sample.

Part of the evaluation process involved a further survey of the Department to help understand the Department's practices, policies and procedures. I will speak about the evaluation survey in more detail in the next chapter.

Integrity Framework

CODE OF ETHICS FOR THE SOUTH AUSTRALIAN PUBLIC SECTOR

As employees of the South Australian public sector, all employees of the Department are subject to the *Code of Ethics for the South Australian Public Sector*[46] issued in accordance with the *Public Sector Act 2009* (Public Sector Act).

Standards of behaviour set out in the Code of Ethics include that public sector employees will:

▶ *comply with a lawful and reasonable direction given to them as an employee by a person with authority to give such a direction*

▶ *at all times treat other persons with respect and courtesy*

▶ *not be absent from duty without authority or proper explanation or excuse*

▶ *be diligent in the discharge of their role and duties and not act in a way that is negligent*

▶ *not misuse information gained in their official capacity*

▶ *ensure their personal or financial interests do not influence or interfere with the performance of their role*

▶ *not seek or accept gifts or benefits for themselves or others that could be reasonably perceived as influencing them in the performance of their duties and functions*

46:   EXH 0459. Referred to as the Code of Conduct for the purposes of the *Public Sector Act 2009*.

▶ *at the earliest possible opportunity advise their manager if they are charged with a criminal offence*

▶ *comply with all legislation, industrial instruments, policies and procedures and lawful and reasonable directions relevant to their role as a public sector employee and/or to the performance of their duties*

▶ *report to an appropriate authority workplace behaviour that a reasonable person would suspect violates any law, is a danger to public health or safety or to the environment, or amounts to misconduct*

▶ *actively cooperate and assist with any investigation into the suspected or alleged conduct of another public sector employee that, if proven, would amount to misconduct (including corruption and maladministration as defined in the ICAC Act).*[47]

Failure to comply with the standards outlined within the Code of Ethics may constitute misconduct and employees found in breach of the Code may be liable to disciplinary action.

THE DEPARTMENT'S POLICIES AND PROCEDURES TO PROMOTE INTEGRITY

The Department has a number of policies, guidelines and standard operating procedures (SOPs) relevant to public integrity, employee conduct and reporting mechanisms.

At the heart of these integrity-related documents is the 'Employee Conduct Policy'.

This policy provides that employees are to:

▶ *report workplace behaviour that a reasonable person would suspect violates any law, is a danger to public health, or safety to the environment, or amounts to misconduct; and*

▶ *actively cooperate and assist with any investigation into the suspected or alleged conduct of another public sector employee, where they are potential witnesses or otherwise capable of assisting.*[48]

The policy also reinforces the obligations of employees to act in an ethical manner as required by the Public Sector Act, the Code of Ethics and the *Public Sector (Honesty and Accountability) Act 1995*.

47: Not an exhaustive list.
48: EXH 0264.

Other integrity-related policies, guidelines and SOPs include:

- ▶ Anti-Corruption and Integrity Policy[49]

- ▶ Conflict of Interest Policy[50]

- ▶ SOP 60 Employee Complaints Resolution Process[51]

- ▶ SOP 069 Fraud and Corruption Reporting[52]

- ▶ SOP 105 Conflict of Interest[53]

- ▶ SOP 110 Employee Misconduct[54]

- ▶ Guideline 23 Employee Misconduct.[55]

These documents reiterate the Department's stated zero tolerance approach to fraud, corruption, misconduct or maladministration by employees and volunteers. They also detail the Department's commitment to establishing programs and processes that encourage and facilitate the prevention, detection, investigation and reporting of corruption, misconduct and maladministration.

For example, the 'Anti-Corruption and Integrity Policy' states:

> *'The Department will proactively develop, implement and maintain an effective integrity framework to prevent corruption, misconduct and maladministration, improve its capacity to identify and respond to unethical conduct, foster a culture of integrity, and address attitudes and behaviours that may underpin ethical conduct'.*[56]

The Department's integrity framework comprises a number of strategies including probity and employment screening for new employees, induction and awareness programs in the areas of the Code of Ethics, VERB training (Values, Ethical and Respectful Behaviours), the *Public Interest Disclosure Act 2018*, record keeping and information management.

Standard Operating Procedure 60 (SOP 60), which is entitled 'Employee Complaints Resolution Process'[57] sets out the informal process by which a staff member can voice concerns about an issue with either the respondent or his or her direct manager (with a support person if required).

49: EXH 0268.
50: EXH 0266.
51: EXH 0059.
52: EXH 0269.
53: EXH 0267.
54: EXH 0270; EXH 0642 (in draft for the duration of the evaluation).
55: EXH 0081.
56: EXH 0268.
57: EXH 0059.

If the employee chooses not to take this approach, or finds that it does not achieve a resolution, the employee can initiate a formal process by completing an Employee Complaints Form and submitting it to his or her manager[58] and the Employee Complaints email inbox. The procedure outlines the next steps which include mediation, and a process to further escalate the complaint. Timeframes for resolution are specified, as is the need to ensure that both parties are informed in writing of the outcome or any action. If the complainant or respondent is not satisfied with the outcome, they may lodge a request for an 'Internal Review'.

Standard Operating Procedure 110, entitled 'Employee Misconduct' (in draft),[59] sets out the procedure for the identification, reporting, investigation and management of suspected or alleged employee misconduct and unsatisfactory performance.

Examples of unsatisfactory performance include:

- ▶ poor attendance

- ▶ poor work outcomes

- ▶ minor instances of failing to comply with directions

- ▶ inappropriate workplace behaviours.

If an employee witnesses or suspects inappropriate behaviour or misconduct, he or she is required to report in accordance with the procedure.

The Complaints Assessment Panel (CAP) comprises several departmental directors and is chaired by the Executive Director of the OCSR. The CAP is responsible for assessing reports and determining how each matter should be managed.

Panel recommendations are endorsed by the Deputy Chief Executive and may be referred within the Department to the OCSR or a relevant senior manager for investigation. Matters may also be referred to the OPI or the South Australia Police. Alternatively, matters may be managed in accordance with SOP 60 or forwarded to the Chief Executive for consideration.

Of course all departmental staff must comply with their obligations to make reports to the OPI in accordance with Directions and Guidelines issued under the ICAC Act.

58: Submit to Executive Director if the Manager is the subject of the complaint, or the Chief Executive if the Executive Director is the subject of the complaint.

59: EXH 0270; EXH 0642 (in draft for the duration of the evaluation).

CHAPTER FOUR
EVALUATION
SURVEY

Chapter Four: Evaluation Survey

Introduction

As a part of the evaluation I conducted a survey of departmental employees to understand their views and experiences.

The evaluation survey ran from 16 June 2020 to 10 July 2020 and was open to all Department employees as well as to staff from Mount Gambier Prison, operated by G4S Custodial Services Pty Ltd, and the Adelaide Remand Centre, operated by Serco Australia Pty Ltd. Participation was voluntary.

Of a total of 791 responses,[60] 720 respondents were Department employees (representing more than a quarter of the workforce).

Quantitative survey responses from non-departmental employees are not included in the following analysis.

The survey

Survey participants were asked a number of questions about their attitudes and awareness of policies and procedures, perceptions of culture, risks, and experiences of inappropriate conduct.

As with all surveys, the results set out in this chapter are a measure of the perceptions of respondents. While they illustrate the attitudes and experiences of Department employees, they cannot be relied upon alone as a representation of the true state of affairs. For that reason the evaluation included a range of other information gathering processes, such as direct interviews with staff and the receipt of written submissions.

Survey data

Typically, data for the whole sample is provided. Differences in perceptions between staff roles will only be presented if there are marked differences.

Respondents were asked to self-categorise into one of the following groups:

- ▶ Manager/Supervisor – Operations
- ▶ Manager/Supervisor – Corporate
- ▶ Officer – Operations
- ▶ Officer – Corporate.[61]

60: No responses were mandatory and not all responses were complete.
61: Role categories relating to corporate staff ('manager/supervisor – corporate' and 'officer - corporate') were combined for the purposes of analysis.

Where there were no substantial differences in percentages, those who identified as operations managers/supervisors or operations officers are collectively referred to as 'operations staff'.

Respondents

Almost half (48.8%) of respondents identified as operations officers.

TABLE THREE:
DEMOGRAPHICS OF RESPONDENTS – ROLE[62]

	% OF RESPONDENTS
Operations officer	48.8
Operations manager/supervisor	15.1
Corporate staff	36.1

TABLE FOUR:
LENGTH OF TIME EMPLOYED BY THE DEPARTMENT

	LESS THAN 1 YEAR %	1 – 5 YEARS %	6 – 10 YEARS %	11 – 20 YEARS %	20+ YEARS %
Operations officer	1.4	37.5	26.6	26.1	8.3
Operations manager/ supervisor	-	4.6	17.6	46.3	31.5
Corporate staff	6.2	31.7	20.8	23.6	17.8
All sample[63]	2.9	30.4	23.2	28.2	15.2

Length of employment at the Department was largely consistent with the whole of the SA government workforce.[64]

Respondents in operations manager/supervisor roles were the Department's longest serving employees, with 31.5% of operations managers/supervisors having worked at the Department for more than 20 years.

62: Percentages are calculated on the total number of respondents who responded to that particular question.
63: Rounding has been used in respect of statistical results; accordingly not all tables and figures total 100%.
64: EXH 0189.

Policy and procedure

Nearly all respondents said they had access to written policies and procedures (98.5%).

A total of 78.9% of respondents said they were 'very confident' or 'moderately confident' they knew what was required by the policies and procedures relevant to their work.

Just over half of operations managers/supervisors referred to policies and procedures weekly (51.5%), while 60.2% of corporate staff and 67.0% of operations officers referred to policies and procedures 'as needed'.

When asked whether written policies and procedures provided adequate guidance for the employee's work, answers varied according to role.

GRAPH TWO:
HOW MUCH DO YOU AGREE THAT THE WRITTEN POLICIES AND PROCEDURES RELEVANT TO YOUR WORK PROVIDE ADEQUATE GUIDANCE TO DO YOUR JOB?
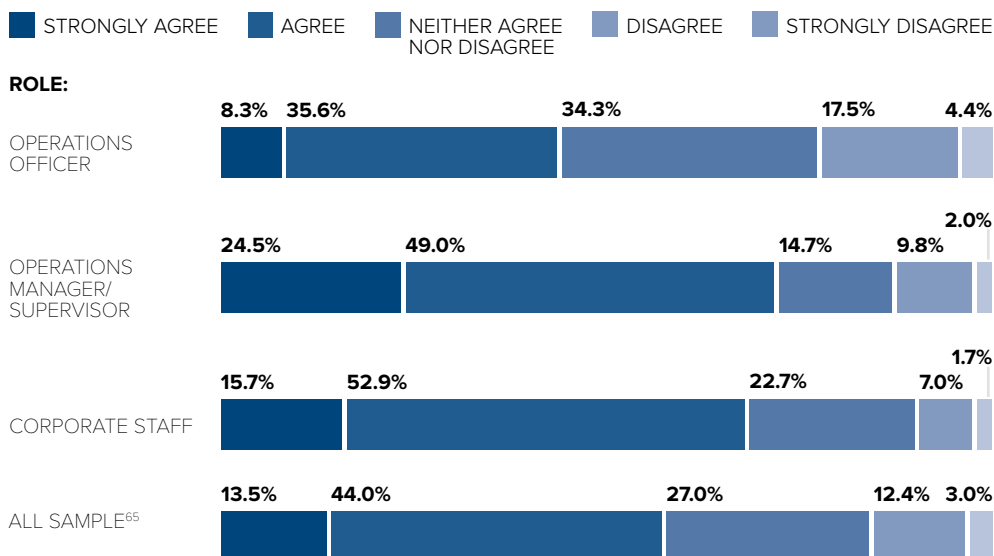
STRONGLY AGREE   AGREE   NEITHER AGREE NOR DISAGREE   DISAGREE   STRONGLY DISAGREE

ROLE:

OPERATIONS OFFICER
8.3%   35.6%   34.3%   17.5%   4.4%

OPERATIONS MANAGER/ SUPERVISOR
24.5%   49.0%   14.7%   9.8%   2.0%

CORPORATE STAFF
15.7%   52.9%   22.7%   7.0%   1.7%

ALL SAMPLE[65]
13.5%   44.0%   27.0%   12.4%   3.0%

'... 78.9% of respondents said they were 'very confident' or 'moderately confident' they knew what was required by the policies and procedures relevant to their work.'

65: Rounding has been used in respect of statistical results; accordingly not all tables and figures total 100%.

'... 70.7% of respondents said they had witnessed a colleague 'not following policies/procedures/code of conduct' in the past two years.'

Less than half of operational officers (43.8%) agreed that policies and procedures provided adequate guidance, compared to 68.6% of corporate staff, and 73.5% of operations managers/supervisors.

Surprisingly, 22.5% of all respondents said staff in their work group do not typically follow policies or procedures.

When this question was asked slightly differently, 70.7% of respondents said they had witnessed a colleague 'not following policies/procedures/code of conduct' in the past two years. Of those who had witnessed this conduct, 85.1% had seen it either daily, weekly or monthly.

GRAPH THREE:
RESPONDENTS OFFERED DIFFERENT REASONS FOR NON-COMPLIANCE[66]

Reason	Percentage
ADHERENCE WASN'T MONITORED	65.3%
POLICY WASN'T UP-TO-DATE	53.7%
POLICY DIDN'T EXIST	46.3%
POLICY WASN'T FIT FOR PURPOSE	41.5%
WEREN'T AWARE OF THE POLICY	32.7%
POLICY WAS TOO BURDENSOME	24.5%
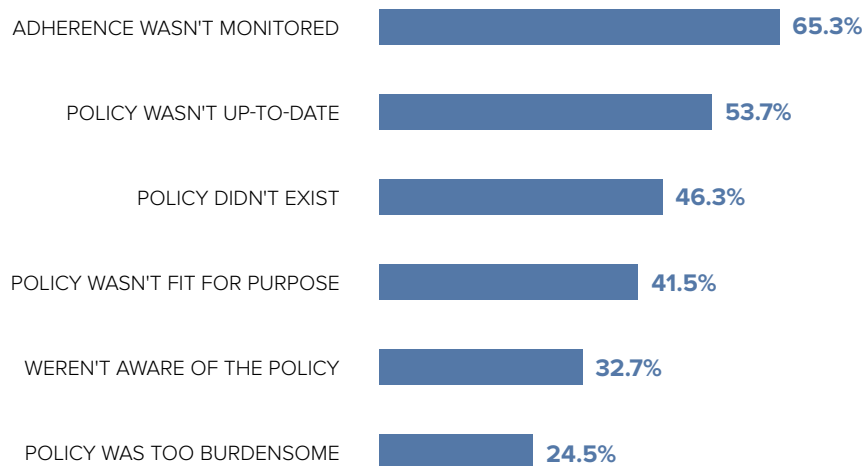
66: More than one answer could be selected.

Records management

A high proportion of participants (86.4%) were 'very confident' or 'moderately confident' they knew their record keeping responsibilities.

Respondents were asked to score their team's record keeping maintenance on a scale of one to five with five meaning records are maintained 'very well' and one meaning records are maintained 'poorly'.

A high proportion (86.5%) of respondents provided a rating of three or above. Corporate staff gave higher ratings for records maintenance, with 91.9% giving a score of three or above. Operations officers were less positive about record keeping, with 16.8% providing a rating of only one or two.

Although the majority of respondents gave positive responses to questions about records maintenance and their record keeping responsibilities, reported instances of improper record keeping were much higher.

A total of 42.0% of respondents said they had personally witnessed incidents of improper record keeping/records management. Of those, 87.7% said they had witnessed it either daily, weekly or monthly. I will address the consequences of poor record keeping later.
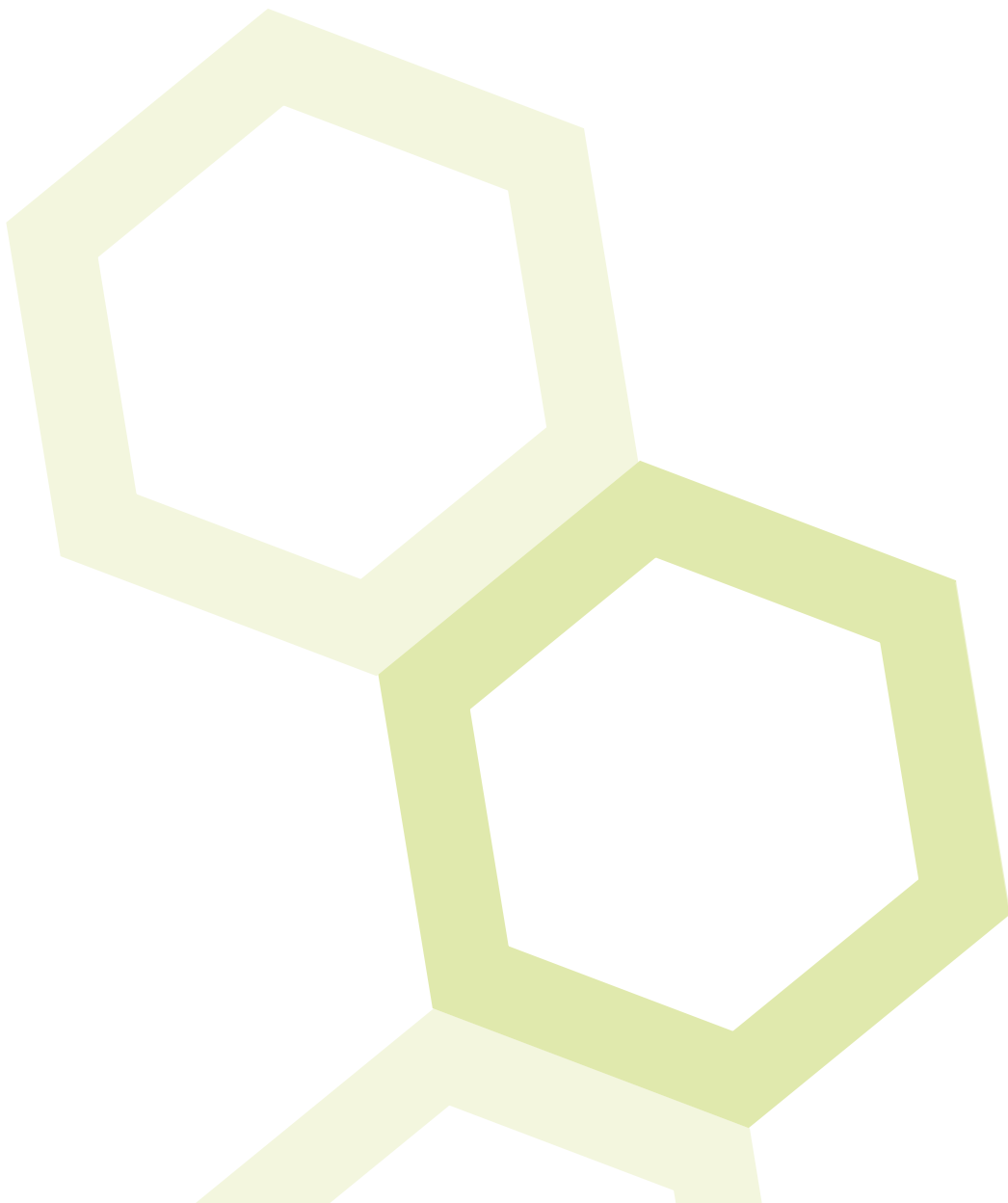
The Code of Ethics

Pleasingly, almost all respondents (99.0%) said they were aware of the 'Code of Ethics/Code of Conduct' that applies to the Department's workforce.

This is an improvement from the 2018 survey where 94.4% of Department employees said they were aware of the Code of Ethics requirements.

On average, 92.9% of respondents said they were 'very confident' or 'moderately confident' they knew what was required by the Code of Ethics. Operations officers were less likely to be 'very confident' (54.3%) compared to operations managers/ supervisors (74.5%) and corporate staff (70.2%).

'… almost all respondents (99.0%) said they were aware of the 'Code of Ethics/Code of Conduct …'

Corruption, misconduct and maladministration

Many staff identified risks of corruption, misconduct and maladministration in their workplace. However, this varied between roles. A total of 86.2% of operations managers/supervisors and 68.9% of operations officers said they had identified risks of corruption, misconduct and maladministration at work.[67] However, less than half (48.1%) of corporate staff said that they had identified such risks.

The evaluation survey asked respondents to identify the types of inappropriate conduct they had witnessed over the previous two years, and the frequency in which they had observed it. They were also asked if they had reported the conduct.

Respondents who indicated that they had not observed inappropriate conduct were asked whether they thought the conduct could occur, even if they had not seen that conduct.[68]

67: The survey does not assess the severity or the impact of the behaviour. Accordingly it may be that some incidences of observed conduct did not meet the threshold for reporting.
68: See tables six and seven.

TABLE FIVE:
PERCENTAGE OF STAFF WHO WITNESSED CERTAIN CATEGORIES OF CONDUCT, THE FREQUENCY OF THE OBSERVED CONDUCT, AND WHETHER THEY REPORTED THE CONDUCT

% OBSERVED: % who answered 'yes' to observing the conduct in the past two years
% FREQUENCY: % who saw the conduct daily/weekly/monthly*
% REPORTED: % who reported the conduct* [69]

	ALL SAMPLE			OPERATIONS OFFICER			OPERATIONS MANAGER/ SUPERVISOR			CORPORATE STAFF		
	% OBSERVED	% FREQUENCY	% REPORTED	% OBSERVED	% FREQUENCY	% REPORTED	% OBSERVED	% FREQUENCY	% REPORTED	% OBSERVED	% FREQUENCY	% REPORTED
Bullying/ harrassment between staff	76.6	87.2	40.1	81.8	90.5	**31.7**	**90.2**	92.2	63.6	64.0	78.7	39.2
Nepotism/ favouritsm between staff	75.3	87.9	20.7	**84.7**	90.1	19.0	83.3	91.5	30.4	59.6	81.6	**17.9**
Not following policies/ procedures/ code of conduct	70.7	85.1	39.4	78.4	87.1	**28.1**	**87.0**	91.8	63.9	53.4	76.2	43.8
Improper recruitment practices	52.0	56.3	16.9	61.3	62.7	**13.2**	**62.9**	47.2	27.5	34.7	48.5	16.9
Inadequate record keeping /document management	42.0	87.7	27.9	44.7	88.8	**21.4**	**47.6**	97.3	37.8	36.0	80.6	32.8
Abuse of power including decision making/ use of force	40.4	55.9	18.5	48.3	68.0	**14.7**	**50.6**	53.7	32.9	25.6	38.2	16.1
Failing to declare or manage a conflict of interest	38.9	53.3	24.7	45.0	55.5	**18.9**	**58.6**	51.5	41.3	22.2	50.0	21.1
Bullying/ harrassment between staff and prisoner(s)	38.4	No data	No data	43.3	No data	No data	**59.8**	No data	No data	22.3	No data	No data
Mismanagement of resources	34.5	82.9	26.3	42.3	81.2	**19.6**	**43.4**	93.9	42.4	20.4	77.8	29.7
Improper access to and/or misuse confidential information	31.1	**69.9**	31.3	37.2	76.7	**21.7**	**43.9**	60.0	41.2	17.8	62.5	46.7

69: It is acknowledged that in some cases observed behaviour may not always invoke an obligation to make a report.

	ALL SAMPLE			OPERATIONS OFFICER			OPERATIONS MANAGER/ SUPERVISOR			CORPORATE STAFF		
	% OBSERVED	% FREQUENCY	% REPORTED	% OBSERVED	% FREQUENCY	% REPORTED	% OBSERVED	% FREQUENCY	% REPORTED	% OBSERVED	% FREQUENCY	% REPORTED
Inappropriate staff relationship with prisoner	25.4	50.0	36.9	30.0	58.7	**29.6**	**42.9**	35.3	48.5	11.5	42.1	44.4
Improper procurement practices	24.8	58.2	18.8	30.0	65.3	**10.9**	**34.5**	51.9	26.9	13.5	43.5	31.8
Not declaring associations (including criminal associations)	19.5	41.5	21.3	23.8	45.6	11.3	**29.6**	28.6	57.1	9.4	43.8	**6.7**
Theft/fraud	16.9	52.5	14.7	**23.2**	50.9	12.5	22.2	58.8	23.5	6.3	50.0	**10.0**
Introduction/ enabling of contraband	15.7	57.9	35.6	18.4	56.8	**25.6**	**29.6**	54.5	57.1	6.3	70.0	33.3
Unauthorised use of the Department's assets	15.7	69.9	23.9	16.9	65.8	25.7	**22.0**	93.8	37.5	11.4	57.9	**10.0**
Bribery/ inappropriate acceptance of gifts or benefits	6.3	34.5	14.8	**7.5**	37.5	14.3	6.3	0.0	**0.0**	4.7	44.4	22.2
Unauthorised use of funds	7.3	47.1	17.6	8.7	50.0	**15.8**	**14.1**	33.3	20.0	2.6	60.0	20.0

* Frequency and reported percentage are of those who observed it.

More than three-quarters (76.6%) of respondents had witnessed bullying and harassment between staff in the past two years, but only 40.1% had reported it. Three-quarters of respondents had also witnessed nepotism/favouritism (75.3%) but only one in five (20.7%) had reported it.

'More than three-quarters (76.6%) of respondents had witnessed bullying and harassment between staff in the past two years, but only 40.1% had reported it.'

Of course, it may be that in some instances, observed behaviour was not considered serious enough to warrant a report being made. That may account for some difference. But I do not think that such occasions would explain the significant disparity between observed conduct and subsequent reporting. I take that view following detailed consideration of the many comments made by staff in qualitative survey responses and the numerous interviews conducted with corrections staff over the course of the evaluation. Information gained through those activities reinforces my view that there is a disparity between observed conduct which should be reported and a willingness to report.

In the evaluation survey that disparity is particularly visible amongst operations officers. The majority (84.7%) had witnessed nepotism and favouritism in the past two years, and 90.1% had witnessed it either daily, weekly or monthly. However, fewer than one in five (19.0%) had reported it. Similarly, 81.8% of operations officers had witnessed bullying or harassment in the past two years, with 90.5% stating this occurred either daily, weekly or monthly, but only 31.7% reported the conduct.

Reporting levels were generally higher among operations supervisors/managers. More than 90% said they had witnessed bullying and harassment between staff and almost two-thirds (63.6%) had reported it. A similar trend was observed in the reporting of 'failure to follow policy, procedure or the code of conduct'. Eighty seven percent of operations managers/supervisors had witnessed such failures, and 91.8% stated they had seen it either daily, weekly or monthly, while 63.9% reported it.

Half (50.6%) of operations managers/supervisors had witnessed abuse of power including excessive use of force, but only one-third (32.9%) had reported it. Of those who said they had seen this type of conduct, 53.7% said they had seen it either daily, weekly or monthly.

The evaluation survey indicated that of the 18 categories of inappropriate conduct staff had witnessed, operations officers were the least likely to report 12 of those categories. Those categories are emphasised in bold in the previous table (table five).

TABLE SIX:
CATEGORIES OF CONDUCT MOST FREQUENTLY OBSERVED BY RESPONDENTS, THE FREQUENCY OF
THE CONDUCT, WHETHER THEY REPORTED THE CONDUCT, AND WHETHER THOSE WHO DID NOT
OBSERVE THE CONDUCT THOUGHT IT COULD OR DOES HAPPEN.

	Column A: **WITNESSING CONDUCT** % of respondents who witnessed the conduct in the past two years	Column B: **FREQUENCY** % of Column A who witnessed the conduct either daily, weekly or monthly	Column C: **REPORTING**[70] % of Column A who reported the conduct	Column D: **VULNERABILITY**[71] % of respondents who did not witness the conduct who said they thought the conduct does or could happen
Bullying and harassment between staff				
All sample	**76.6**	**87.2**	**40.1**	**92.0**
Operations manager/ supervisor	90.2	92.2	63.6	100.0
Operations officer	81.8	90.5	31.7	91.0
Corporate staff	64.0	78.7	39.2	91.0
Nepotism and favouritism between staff				
All sample	**75.3**	**87.9**	**20.7**	**78.2**
Operations manager/ supervisor	83.3	91.5	30.4	93.3
Operations officer	84.7	90.1	19.0	77.5
Corporate staff	59.6	81.6	17.9	75.6
Not following policies/procedures/code of conduct				
All sample	**70.7**	**85.1**	**39.4**	**73.4**
Operations manager/ supervisor	87.0	91.8	63.9	91.7
Operations officer	78.4	87.1	28.1	60.0
Corporate staff	53.4	76.2	43.8	79.1
Improper recruitment practices				
All sample	**52.0**	**56.3**	**16.9**	**56.3**
Operations manager/ supervisor	62.9	47.2	27.5	62.5
Operations officer	61.3	62.7	13.2	61.0
Corporate staff	34.7	48.5	16.9	50.8

70: It is acknowledged that in some cases observed behaviour may not always invoke an obligation to make a report.

71: This does not reflect the likelihood of the conduct occurring but may reflect the perceived controls.

TABLE SEVEN:
CATEGORIES OF WITNESSED CONDUCT OBSERVED BY RESPONDENTS, THE FREQUENCY OF THE CONDUCT, WHETHER THEY REPORTED THE CONDUCT, AND WHETHER THOSE WHO DID NOT OBSERVE THE CONDUCT THOUGHT THE CONDUCT DOES OR COULD HAPPEN.

	Column A: **WITNESSING CONDUCT** % of respondents who witnessed the conduct in the past two years	Column B: **FREQUENCY** % of Column A who witnessed the conduct either daily, weekly or monthly	Column C: **REPORTING**[72] % of Column A who reported the conduct	Column D: **VULNERABILITY**[73] % of respondents who did not witness the conduct who said they thought the conduct does or could happen
Failing to declare or manage a conflict of interest				
All sample	**38.9**	**53.3**	**24.7**	**75.6**
Operations manager/ supervisor	58.6	51.1	41.3	77.8
Operations officer	45.0	55.5	18.9	71.4
Corporate staff	22.2	50.0	21.1	79.1
Not declaring associations (including criminal associations)				
All sample	**19.5**	**41.5**	**21.3**	**67.2**
Operations manager/ supervisor	29.6	28.6	57.1	66.1
Operations officers	23.8	45.6	11.3	64.5
Corporate staff	9.4	43.8	6.7	70.7
Abuse of power (including decision making/use of force)				
All sample	**40.4**	**55.9**	**18.5**	**69.2**
Operations manager/ supervisor	50.6	53.7	32.9	75.0
Operations officer	48.3	68.0	14.7	63.4
Corporate staff	25.6	38.2	16.1	73.0
Inappropriate staff relationship with a prisoner				
All sample	**25.4**	**50.0**	**36.9**	**73.2**
Operations manager/ supervisor	42.9	35.3	48.5	78.7
Operations officer	30.0	58.7	29.6	69.7
Corporate staff	11.5	42.1	44.4	75.5

72: It is acknowledged that in some cases observed behaviour may not always invoke an obligation to make a report.

73: This does not reflect the likelihood of the conduct occurring but may reflect the perceived controls.

	Column A: **WITNESSING CONDUCT** % of respondents who witnessed the conduct in the past two years	Column B: **FREQUENCY** % of Column A who witnessed the conduct either daily, weekly or monthly	Column C: **REPORTING**[72] % of Column A who reported the conduct	Column D: **VULNERABILITY**[73] % of respondents who did not witness the conduct who said they thought the conduct does or could happen
Introduction/enabling of contraband				
All sample	**15.7**	**57.9**	**35.6**	**75.2**
Operations manager/ supervisor	29.6	54.5	57.1	83.9
Operations officer	18.4	56.8	25.6	72.8
Corporate staff	6.3	70.0	33.3	75.3
Improper access to and/or misuse of confidential information				
All sample	**31.1**	**69.9**	**31.3**	**68.0**
Operations manager/ supervisor	43.9	60.0	41.2	73.3
Operations officer	37.2	76.7	21.7	65.4
Corporate staff	17.8	62.5	46.7	69.0

The survey revealed a number of respondents who had observed a failure to declare or manage a conflict of interest (38.9%). Almost one in five respondents (19.5%) had observed a failure to declare associations (including criminal associations).

Forty percent of respondents had witnessed an abuse of power, including decision making/use of force (40.4%), and a quarter (25.4%) had observed inappropriate staff relationships with a prisoner. Almost 16% of staff had witnessed the introduction of contraband such as drugs or phones into the prison population (15.7%). A total of 31.1% had witnessed improper access to and/or misuse of confidential information.

Operations staff were more likely to have encountered these types of conduct than corporate staff. However, operations officers were least likely to report the conduct.

For example, 23.8% of operations officers said they had encountered 'not declaring associations (including criminal associations)' but only 11.3% reported the conduct. Likewise, one in five operations officers had encountered the introduction/enabling of contraband (18.4%), but only one-quarter had reported this behaviour (25.6%).

When asked whether controls were effective in addressing the 18 categories of conduct identified within the survey, 72.9% of respondents were either unsure, or thought that controls were not effective.

A total of 54.2% of respondents said the conduct they witnessed had impacted on operations, 34.0% of respondents were unsure, and 11.9% said there was no impact on operations. Operations managers/supervisors responded the least favourably, with 79.3% of operations managers/supervisors saying the conduct had impacted on operations.

Reporting

The evaluation survey revealed that a high proportion of respondents (89.9%) knew what to do if they identified potential corruption, misconduct and maladministration. Responses varied between operations officers (87.2%), corporate staff (90.9%) and operations managers/supervisors (95.3%).

However, only 52.7% of respondents said they would report corruption, misconduct and maladministration to someone within their organisation.

The majority of operations managers/supervisors (60.0%) and two-thirds of corporate staff (63.6%) surveyed said they would report these forms of conduct to someone within their organisation, compared to 41.2% of operations officers. This marks a decline from the Department's response to the 2018 Public Integrity Survey, in which 67.3% of Department respondents said they were willing to report internally (compared to 73.2% of the whole of government sample).

GRAPH FOUR:
RESPONDENTS GAVE A NUMBER OF REASONS FOR THEIR UNWILLINGNESS TO REPORT INTERNALLY[74]

DID NOT NOT THINK ACTION WOULD BE TAKEN	**75.5%**
THOUGHT REPORTING WOULD HAVE THE POTENTIAL TO AFFECT THEIR JOB	**65.9%**
DID NOT TRUST THE ORGANISATION	**62.2%**
THOUGHT IT WOULD AFFECT RELATIONSHIPS	**34.1%**
THOUGHT THERE WAS NO EVIDENCE	**24.9%**
HAD BEEN DISCOURAGED	**24.1%**
OTHER	**12.4%**
THOUGHT THE CONDUCT WAS NOT SERIOUS ENOUGH	**8.0%**
DIDN'T WANT TO GET PEOPLE IN TROUBLE	**7.2%**
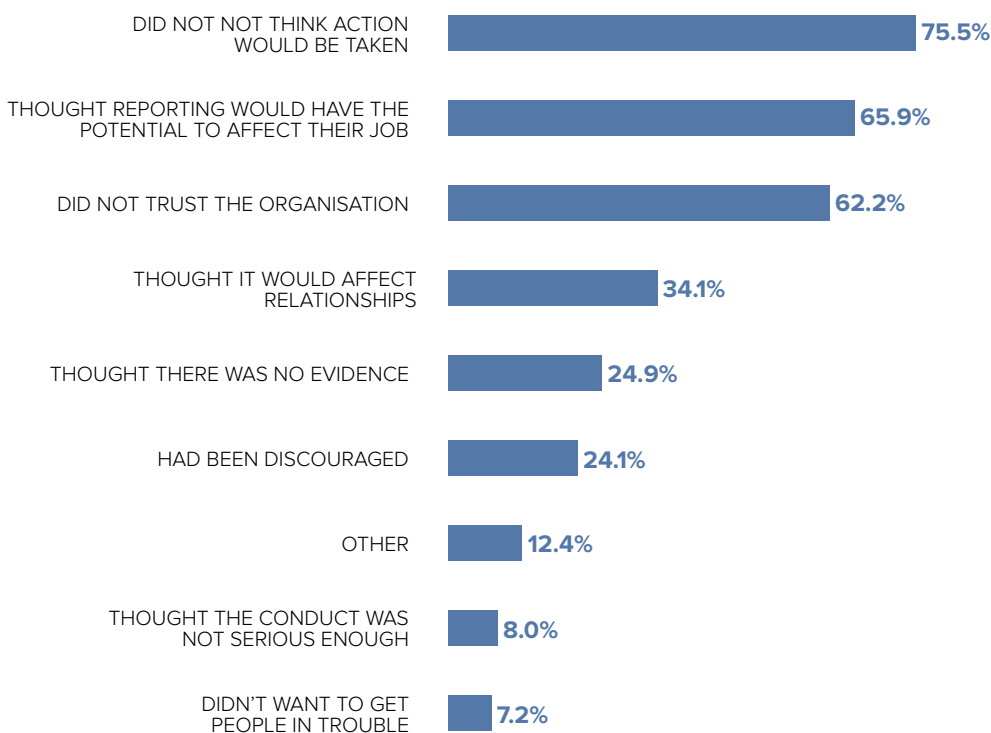
Just over three-quarters (75.5%) of respondents thought the Department would not act on the information they supplied, with almost a quarter (24.1%) stating that they had been discouraged from reporting.

74:   More than one answer could be selected.

Many employees perceived that reporting might affect their jobs (65.9%), and almost two-thirds (62.2%) said they did not trust the organisation. The perceived gravity of the conduct and whether staff had any evidence to support the report influenced reporting levels.
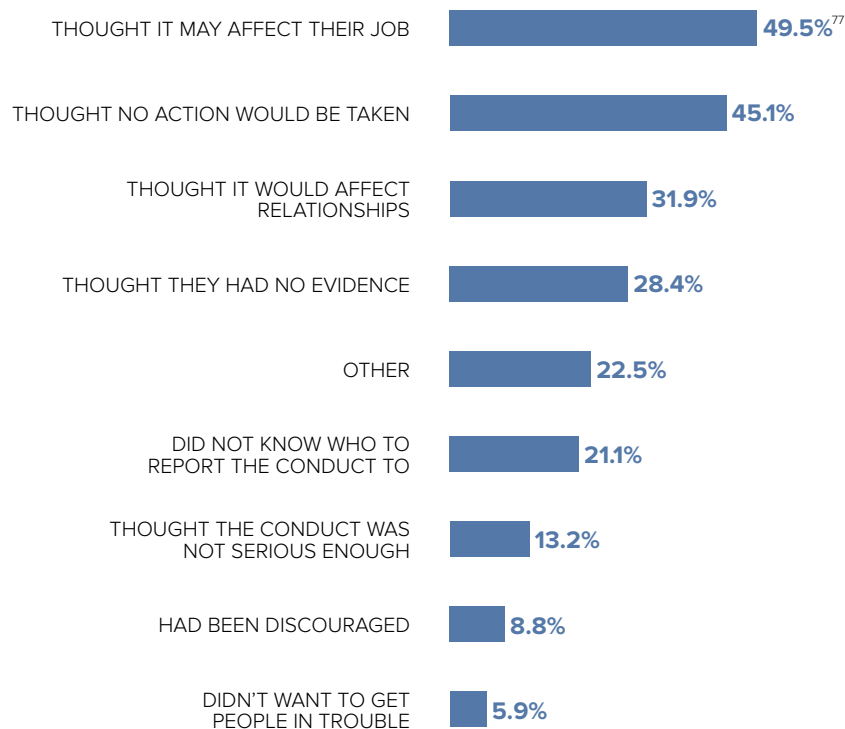
A total of 61.2% of respondents said they would report corruption, misconduct and maladministration to an external agency.[75]

Three-quarters of operations managers/supervisors (75.3%) said they would report these matters externally, compared to only 60.1% of operations officers and 56.6% of corporate staff.

GRAPH FIVE:
RESPONDENTS GAVE A NUMBER OF REASONS FOR THEIR UNWILLINGNESS TO REPORT EXTERNALLY[76]

THOUGHT IT MAY AFFECT THEIR JOB	**49.5%**[77]
THOUGHT NO ACTION WOULD BE TAKEN	**45.1%**
THOUGHT IT WOULD AFFECT RELATIONSHIPS	**31.9%**
THOUGHT THEY HAD NO EVIDENCE	**28.4%**
OTHER	**22.5%**
DID NOT KNOW WHO TO REPORT THE CONDUCT TO	**21.1%**
THOUGHT THE CONDUCT WAS NOT SERIOUS ENOUGH	**13.2%**
HAD BEEN DISCOURAGED	**8.8%**
DIDN'T WANT TO GET PEOPLE IN TROUBLE	**5.9%**

75:   Public Officers (including those employed within the Department for Correctional Services, G4S and Serco) have an obligation under the Commissioner's *Directions and Guidelines for Public Officers* to report matters reasonably suspected of involving corruption, or serious or systemic misconduct or maladministration to the OPI unless the public officer knows the conduct has already been reported to the Ombudsman or the OPI.

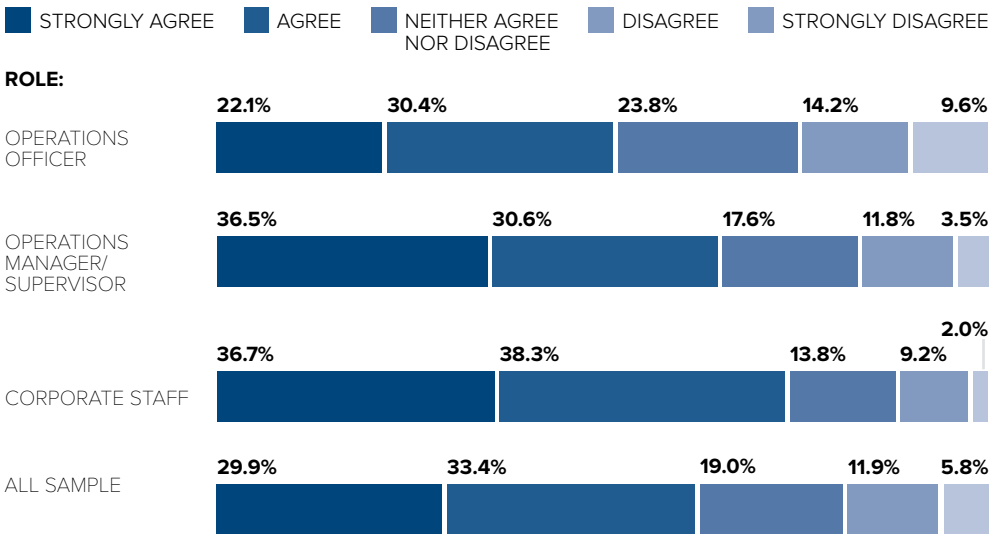76:   More than one answer could be selected.

77:   Section 57 of the *Independent Commissioner Against Corruption Act 2012* provides protections which prevent a person from being victimised as a result of making a complaint or report to the OPI. There are also protections for informants under the *Public Interest Disclosure Act 2018* relating to confidentiality, immunity from liability and victimisation.

Culture

On average, 63.3% of respondents 'strongly agreed' or 'agreed' that the Department encourages them to act with honesty and integrity. However, just under one-quarter of operations officers (23.8%) disagreed or strongly disagreed with this statement.

GRAPH SIX:
TO WHAT EXTENT DO YOU AGREE WITH THIS STATEMENT: 'THE DEPARTMENT FOR CORRECTIONAL SERVICES ENCOURAGES PEOPLE TO ACT WITH HONESTY AND INTEGRITY'

	STRONGLY AGREE	AGREE	NEITHER AGREE NOR DISAGREE	DISAGREE	STRONGLY DISAGREE

ROLE:

OPERATIONS OFFICER
22.1% | 30.4% | 23.8% | 14.2% | 9.6%

OPERATIONS MANAGER/ SUPERVISOR
36.5% | 30.6% | 17.6% | 11.8% | 3.5%

CORPORATE STAFF
36.7% | 38.3% | 13.8% | 9.2% | 2.0%

ALL SAMPLE
29.9% | 33.4% | 19.0% | 11.9% | 5.8%

More than three-quarters of respondents felt comfortable asking questions (78.3%). Operations officers were less comfortable than average, with more than one-quarter stating they were not comfortable asking questions (28.3%).

Encouragingly, the majority of Department staff felt comfortable admitting to mistakes (95.1%). This proportion did not differ substantially between roles.

'... 63.3% of respondents 'strongly agreed' or 'agreed' that the Department encourages them to act with honesty and integrity.'

Support

Respondents were asked to score how supported they felt by their colleagues, their immediate manager and by the Department's executive team, with five being 'very supported' and one being 'not supported'. Across all levels of the Department, most respondents tended to feel supported by their colleagues (91.9% provided a score of three, four or five).

Fewer respondents felt supported by their immediate manager (69.9% provided a score of three, four or five), and even fewer respondents felt supported by the Department's executive team (47.4% provided a score of three, four or five).

Operations officers felt the least supported by their immediate manager (58.4% provided a score of three, four or five) and by the Department's executive team (32.9% provided a score of three, four or five).
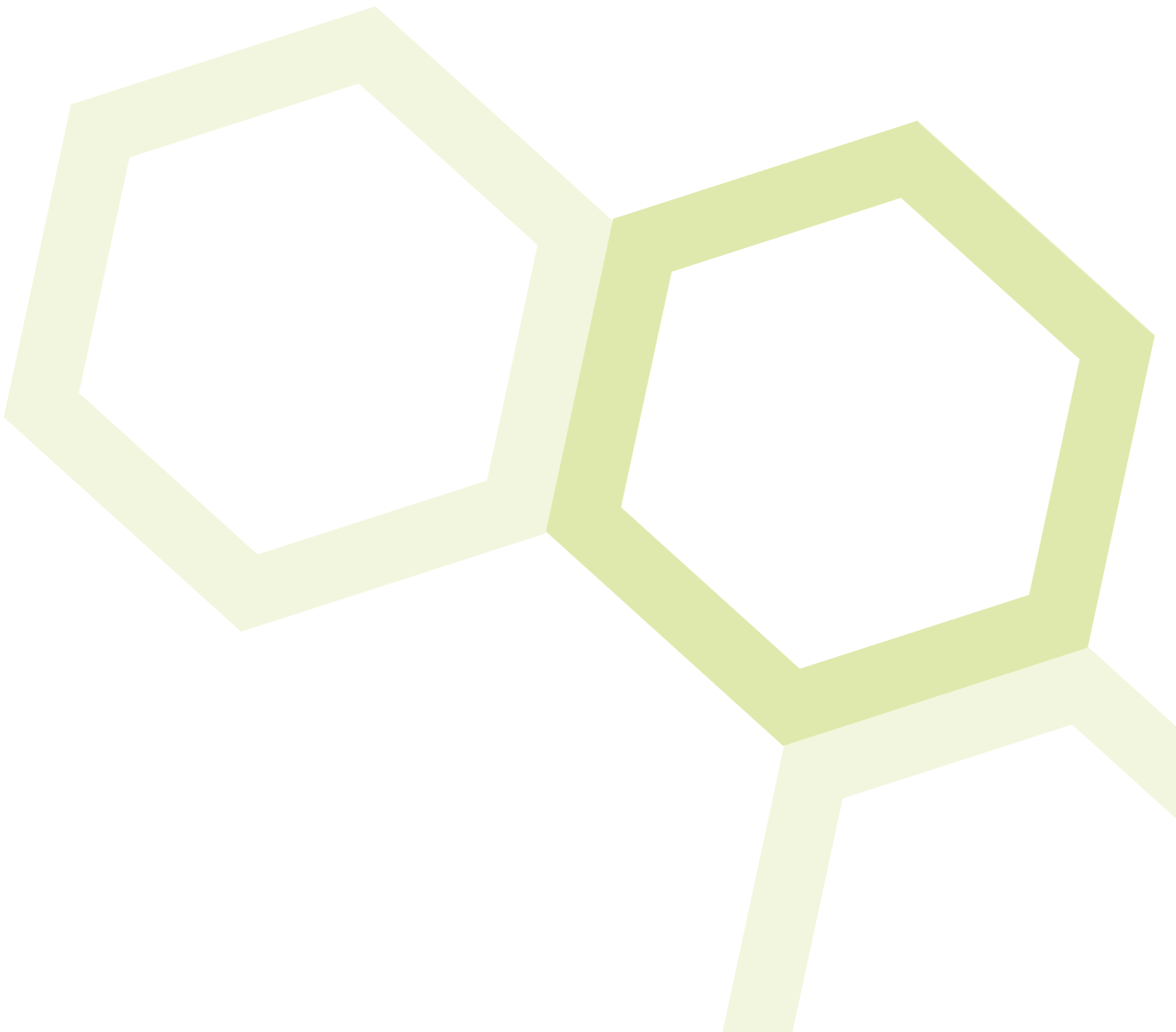
Summary

The evaluation survey was a useful tool to capture a snapshot of employees' perceptions and attitudes in respect of integrity.

As has been observed in other agencies, but is perhaps particularly pertinent here, the perceived lack of confidence that action will be taken in respect of inappropriate conduct may represent a real risk to the workforce's willingness to report it.

There were some oddities in the survey responses. While 61.2% of staff identified that they would report a matter to an external agency, responses also suggest that the rate of actual reporting witnessed behaviour is lower. It may be the case that observed behaviours may not always trigger an obligation to report. Nevertheless behaviours of the kind identified in the survey ought to be reported.

The perceived incidence and severity of inappropriate conduct and the apparently low levels of reporting creates an environment where inappropriate conduct, including corruption, may flourish. That is so because such behaviour may have become normalised and, as such, there may be an absence of any perceived risk of detection.

CHAPTER FIVE
CULTURE

Chapter Five: Culture

A positive workplace culture plays an important role in the prevention of corruption, misconduct and maladministration. Those organisations where ethical behaviour is actively encouraged and supported are less likely to face the risks of wrongdoing than those in which a disregard for rules and a lack of consequences for poor behaviour exists.

During the course of the evaluation my team and I talked with many staff of the Department and received hundreds of detailed survey responses. It is clear to me that there are many dedicated staff who are genuinely passionate about their roles in corrections, whether it be those involved in the rehabilitation of prisoners and offenders, the effective management of custodial environments or the overall improvement to operations. Indeed, when staff were asked to describe the culture of the Department we received many positive comments, including:

> *'We are specialists in our field and strive to do our best. The corrections field is not widely thought about by the general population but those of us who work in the field consider it very worthy and important to assist those who offend to lead productive lives when they leave our system.'*

> *'DCS (from the top) is strategically focused on rehabilitation, reducing offending and community safety. I think over the past [ ] years I've found DCS to be forward-looking, progressive and interested in the best, evidence based and ethical ways to deliver an efficient service to the community.'*

> *'A genuine desire to be better. Open and even pushing towards change, which is difficult with this type of workforce (ie unionised). Very respectful of different cultures.'*

> *'The department overall wants to do its best to support offenders, staff and the public...staff that I deal with seem passionate about their work.'*

> *'We look out for each other and understand the day to day stresses of the job.'*[78]

I was heartened to meet with staff who are so dedicated to their important roles. I have no doubt that this positive approach is shared by the majority of employees. Nevertheless, there are aspects of the workplace culture within some prison environments that are not conducive to the highest standards of propriety.

I not only observed a number of cultural characteristics that pose a risk to the organisation's integrity, but I also received a very strong message from staff that they want to see positive change in this regard.

'Those organisations where ethical behaviour is actively encouraged and supported are less likely to face the risks of wrongdoing than those in which a disregard for rules and a lack of consequences for poor behaviour exists.'

78:   EXH 0361.

Resistance to change

As I outlined earlier, the Department has initiated reforms to improve the corrections environment for both staff and prisoners, such as the Better Prisons Program. However, I received many survey responses indicating that there is widespread resistance to change. I have been advised that change is particularly difficult and that any attempts at change are often met with resistance and delay. A number of factors have been suggested, including a heavily unionised workforce and a highly obstructive workplace union, and a proportion of long serving officers who are unwilling to transition to different approaches, making it difficult to effect change at a practical level.

'... the prison environment was described to me as *'a school yard culture in prisons – you have to fit in and if not, you are ostracised.''*

In general terms, the prison environment was described to me as *'a school yard culture in prisons – you have to fit in and if not, you are ostracised.'*[79] As I said earlier, matters of an industrial nature are not for me to comment upon. However, it is obvious to me that there is a strong view that effecting change to work practices within the Department is particularly challenging.

One officer perhaps best summarised the view expressed by many:

> *'I believe the culture of the operational areas is long standing and is difficult to shift. There are deeply embedded patterns of behaviour, unwritten rules and a disregard for management and indeed the public sector. The Union has a strong voice on 'the way things are done around here.'*[80]

I was told by a number of individuals that resistance stems largely from a relatively small group of employees. Others suggested that resistance to change is often driven by union representatives. While it may be the case that resistance might stem from a particular body of employees, I doubt that such resistance is that simplistic.

Correctional officers operate in a particularly challenging and often stressful environment. Their safety is reliant upon a variety of factors, including trust in workmates and in the procedures and systems within the prisons. Changes to such an operating environment ought to be carefully considered to ensure that officers are able to continue to discharge their duties in a safe and effective manner. It may be that some resistance arises because of concerns about safety or effectiveness. Indeed I suspect that is the case. But based upon the information I received during the course of this evaluation I suspect some resistance arises from an entrenched view as to how correctional services ought to be delivered, leaving little room to accept changes in approach that might reflect more contemporary methodology.

79: EXH 0367.
80: EXH 0361.

If staff do not feel that they are part of the group, or are fearful of 'breaking rank', it can lead to individuals becoming ostracised. In my view, this creates a significant risk for grooming in a prison environment. Prisoners will quickly identify vulnerabilities in correctional officers and use those vulnerabilities to their advantage. Requests for small favours may well lead to more serious infractions.

A culture of compliance with long-standing practices also creates a risk that poor behaviour will not be called out. I received many comments from staff supporting that view:

> '*Too scared to speak out if an idea has merit as the general feeling is that it's always worked like this so why change it.*'

> '*Within the institutes there is a poor culture. Younger officers often reluctant to report behaviour of others for fear of retaliation and fearful of speaking out.*'[81]

'Prisoners will quickly identify vulnerabilities in correctional officers and use those vulnerabilities to their advantage. Requests for small favours may well lead to more serious infractions.'

Blue-shirt code

The idea that new correctional officers face the choice of either conforming with established group norms or being ostracised was often referred to amongst staff as characteristic of the 'blue-shirt code'. While the importance of support and camaraderie for those working in a custodial environment can be understood, what is concerning is how the perceived blue-shirt code is said to have developed into a culture of turning a blind eye to wrongdoing.

This was best described to my team by a staff member:

> '*The blue code was originally, if an officer had to restrain a prisoner and in the heat of the moment you do a little bit too much – you keep quiet as it's in the heat of the moment. Nowadays this means you protect anything - now the blue code is accepting all forms of bad behaviour to protect peers.*'[82]

Other staff provided further context as to the extent of the blue-shirt code:

> '*The blue-shirt code is a code that means 'let's not help with anything'. They resist change – it means if something goes wrong, they can then blame management.*'[83]

> '*There is an attitude of 'you need to look after me no matter what - even my indiscretions.*''[84]

81:   EXH 0361.
82:   EXH 0407.
83:   EXH 0418.
84:   EXH 0401.

'You watch my back I'll watch yours mentality.'[85]

'The blue code does exist. If they dob on someone it will impact on them.'[86]

'On my first day as a correctional officer I was told by another officer to 'forget what you've learned over the last 3 months and remember the blue code'. The blue code basically meant that you support your partner and never write up an officer.'[87]

I was pleased to learn that some staff in senior positions held the view that this culture was slowly changing, perhaps in some sites more than others.[88] I was also pleased to hear that the Department is working to try and break down this perceived code by increasing diversity across roles (particularly leadership roles) and opening more lines of communication through consulting and engaging with staff via initiatives like the Shaping Corrections Program.[89] The Shaping Corrections Program was described to me as the '*change and innovation hub for frontline staff'*.[90] Established in 2009, the program is an ongoing initiative providing a mechanism to seek feedback and ideas from frontline staff on potential change.

While I commend the Department for its efforts in this regard, it may be that further work is needed to effectively engage with staff who regard themselves as being 'on the frontline'. As a member of staff told my team:

'To effectively deliver change you should let the people who the change affects come up with the solution. The people on the ground know what will work but aren't asked and aren't willing to help either as there is so much mistrust.'[91]

I do not doubt there are already mechanisms in place and efforts should continue to improve and maximise the engagement of frontline staff in proposals for change.

That said, I acknowledge that shifting the culture of a workplace is something that takes time to achieve and that the Department has a number of commendable initiatives in place to effect that change.

Of course if staff are of the view that operational input should be taken into account when considering change, then they should be providing this input when given the opportunity.

Moving away from a culture that '*corrodes and manipulates everything we do'*[92] is critical. In particular, the way in which the blue-shirt code apparently influences attitudes toward the reporting of wrongdoing is alarming.

It is clear to me that there is a general reluctance to report wrongdoing, even in the face of mandatory obligations. Shifting that culture requires a deep understanding of its drivers.

'There is an attitude of 'you need to look after me no matter what - even my indiscretions.''

85: EXH 0366.
86: EXH 0404.
87: EXH 0403.
88: EXH 0404; EXH 0411.
89: EXH 0356.
90: EXH 0363.
91: EXH 0418.
92: EXH 0360.

Sense of entitlement

It was explained to me that some correctional officers hold an unreasonable sense of entitlement,[93] including in respect of some long-standing practices such as accessing overtime or leaving early,[94] the use of sick leave,[95] as well as being awarded jobs based on period of service rather than on merit.[96] Indeed, I was told by senior staff that:

> *'There is a view that you 'get promoted when you are due' rather than when it is deserved or earnt.'*[97]

> *'People didn't get jobs on merit, you had to bide your time... it was about how long you had been in the job.'*[98]

There have been deliberate efforts over recent years to attract staff with more varied backgrounds into senior roles. I commend that initiative. It is becoming more common for staff to come into senior roles having had social work or similar backgrounds rather than only the traditional pathway of 'working up through the ranks' as a correctional officer.[99] In the end, there is much to be said for diversity of experience amongst management.

The 'Tomorrow's Senior Managers Program' is a mechanism to develop potential leaders from across the Department. It sends the message that progressing into senior roles is not based upon time served but on merit.[100]

It is entirely appropriate that individuals are awarded positions based on merit. A modern public service calls for nothing less. To the extent that this creates a source of tension for those officers who continue to hold onto the notion that they are owed a promotion, that is unfortunate but inevitable. Indeed I have been advised that the shift toward diversity within prison ranks has been challenging because it has challenged the perceived notion of the 'rite of passage'.

Nevertheless, it is clear that some staff hold the view that the Department is making progress to interrupt this attitude of entitlement,[101] '*but there is still a sense of - we've always done this*.'[102]

93:   EXH 0361; EXH 0362; EXH 0363; EXH 0409.
94:   EXH 0409.
95:   EXH 0361; EXH 0403; EXH 0404; EXH 0407; EXH 0417; EXH 0424.
96:   EXH 0362; EXH 0363.
97:   EXH 0362.
98:   EXH 0363.
99:   EXH 0360; EXH 0363; EXH 0404.
100: EXH 0363.
101: EXH 0409; EXH 0413; EXH 0426.
102: EXH 0409.

'It is entirely appropriate that individuals are awarded positions based on merit. A modern public service calls for nothing less. To the extent that this creates a source of tension for those officers who continue to hold onto the notion that they are owed a promotion, that is unfortunate but inevitable.'

Attitudes and behaviours affecting morale

Earlier in this chapter I highlighted some positive comments from staff about the workplace culture. I have found there are also a number of staff who have observed attitudes and behaviours that are contrary to the standards expected. When asked to describe the culture of their work team, some staff said:

'A mixed culture of positivity and good work ethic, struggling against others who are jaded for whatever reasons and/or those leaving the effort to the hard workers.'

'Majority is excellent 5% of staff wreck it for the rest of us.'

'Some are hard-working and dedicated to supporting and assisting the offenders to progress. Others do the bare minimum and are surprised and vocal when there are complaints.'

'My direct work team is excellent, but the [ ] that we work with are lazy, do nothing but complain, and get paid a lot of money to do very little and they try to do even less.'

'The 'Blue-Shirt Code' is hard to break, but the overwhelming majority of staff do the right thing. Passive bystander is an issue.'

'At a site-based level there is bullying, intimidation and favouritism daily. Staff do their best to put the prisoners first and to get the work done safely.'

'Unfortunately we do have a few people that maintain a manipulative and bullying attitude and this ruins our ability to have a safe and drama free work environment.'[103]

'The 'Blue-Shirt Code' is hard to break, but the overwhelming majority of staff do the right thing. Passive bystander is an issue.'

103: EXH 0361.

BULLYING AND HARASSMENT

The South Australian Equal Opportunity Commissioner defines bullying in the workplace as the '*treatment of a person, or a group, that is unfair, is repeated or ongoing,* [and] *makes people feel embarrassed, victimised, humiliated, threatened or undermined.*'[104]

Bullying behaviour can include physical or verbal abuse, constant put-downs, teasing, spreading gossip, excluding people, unreasonably criticising a person's work, or withholding information to undermine work performance.

> *'Giving feedback and constructive criticism, raising concerns about work performance, disciplining or dismissing* [a] *worker are not bullying if they are done in a reasonable way.'*[105]

I was concerned by the many examples of bullying and harassment I received during the course of the evaluation. Of course I acknowledge that in some cases, perceptions of bullying and harassment may closely align with attempts to appropriately and fairly address the poor performance of a staff member. That might be amplified during periods where staff are required to transition to a new ways of discharging their duties.

Nevertheless, I was told on a number of occasions that bullying and harassment arises where a staff member does not fit in with other staff, or are simply not liked by the group. If a staff member finds themselves in this predicament, I am told they will likely be targeted.[106]

One employee explained to my team that it is easy to identify individuals who are likely to be on 'the outer' and therefore the target of bullies. There seems no consistent reason for being ostracised:

> *'The group will decide they don't like them and they will target them.'*[107]

Particular issues have been observed in respect of new employees:

> *'The old employees don't like the new staff and shut them down.'*[108]

One employee told my team that he is surprised by the persistent 'a*ttitude that women shouldn't be here. Probably about 40% of the workforce is female...the thing is they are here – they are not going anywhere.'*[109] Others spoke about *'pockets of males that have a view of what a correctional officer is and if you don't fit that mould you can be bullied*.'[110]

104: EXH 0572.
105: EXH 0572.
106: EXH 0420; EXH 0421; EXH 0423.
107: EXH 0421.
108: EXH 0424.
109: EXH 0416.
110: EXH 0420.

'You don't have to worry about the prisoners – worry about the officers.'

What is perhaps most concerning is the apparent acceptance of bullying being part of the workplace culture. I am told this has been conveyed to new staff during correctional officer and induction training.

> *'Bullying is accepted. There is a known bullying 'rat pack' that is even spoken of during initial induction training and it is accepted that these bullies exist and nothing is ever done to stop it. If reported the person reporting gets victimised and alienated even more.'*[111]

During correctional officer training another employee was told:

> *'You don't have to worry about the prisoners – worry about the officers.'*[112]

An alarming 86.0% of staff in operations roles who responded to the evaluation survey indicated that they had witnessed bullying or harassment of staff over the last two years. The proportion was even higher for respondents working in operations manager/supervisor roles (90.2%). Responses also indicate that staff regularly witness bullying and harassment, with 20.2% of respondents seeing it on a daily basis. Less than a third of operations officers (31.7%) and 63.6% of operations managers/ supervisors had reported it.

It is not only unacceptable that bullying and harassment occurs in a workplace, but it is of paramount importance that if it does, it is effectively managed. It was conveyed to my team that a number of staff had reported instances of bullying to their respective managers and that they felt that the matter was not dealt with appropriately.[113]

One member of staff told my team that they had been bullied over a period of two or three years and had reported this to three different managers.[114]

> *'Once you've told a manager it goes to the Executive but I have been told that there is not enough evidence. The reality is that I will never have enough evidence.'*[115]

111: EXH 0361.
112: EXH 0427.
113: EXH 0275; EXH 0351; EXH 0361; EXH 0421; EXH 0423; EXH 0427.
114: EXH 0421.
115: EXH 0421.

A perception that bullying is tolerated in the workplace can only be detrimental to workplace culture.

Bullying can have a significant adverse impact on individuals. It is essential that the Department has in place appropriate training and procedures to combat that scourge. Policies and training materials I have read during the course of this evaluation indicate that the Department views bullying as unacceptable. Regular training will assist to enforce that view.

I recommend that the Chief Executive of the Department for Correctional Services ensures all staff receive mandatory annual training in respect of bullying and harassment.

RECOMMENDATION 1

'A perception that bullying is tolerated in the workplace can only be detrimental to workplace culture.'

Role of leadership in influencing workplace culture

It is important for staff to work toward common goals and values that are clearly established and promulgated. They should understand how their role contributes to the goals and values which are to guide behaviours and activities.

The Department's values are set out in its 2018-22 Strategic Plan:

▶ honesty and integrity

▶ ethical and respectful behaviour

▶ professionalism and accountability

▶ commitment to service

▶ collaboration and engagement

▶ make a difference

▶ equity, diversity and cultural inclusion.[116]

116: EXH 0002.

'... the more dissatisfied the officer is the more vulnerable they are to corruption.'

Agreed values are important to set the standard of behaviour expected of employees.

The attitudes and behaviours modelled by leaders not only influence the attitudes and behaviours of staff, but will also impact on their job satisfaction and their commitment to the organisation. I was told that the more dissatisfied the officer is the more vulnerable they are to corruption.[117]

I agree with that statement.

While the Department's executive team is responsible for setting the 'tone from the top', it is those with direct management responsibility for staff who will have the most influence over an organisation's culture.

Leadership models in prisons vary slightly across sites but typically comprise a General Manager and an Assistant General Manager. Accommodation Managers, Manager Security, Manager Offender Development and Manager Industries report directly to the General Manager or Assistant General Manager. Supervisors report to either the Manager Security or to an Accommodation Manager and are responsible for the day-to-day management of correctional officers.[118]

In my view supervisors can have the most significant impact on workplace culture. As one staff member said:

> *'The culture of staff rests heavily with supervisors. They have a lot of influence.'*[119]

'The culture of staff rests heavily with supervisors. They have a lot of influence.'

Supervisors are responsible for supervising and leading a team of correctional staff. They play an important role in the performance development and mentoring of officers, and are expected to ensure that staff are fully aware of their responsibilities.[120]

It is critical that supervisors model the expected standard of behaviour. They are in the prison and are integral in setting the culture.

Not only can supervisors impress a culture upon officers, but they also play an important role in preventing and detecting corruption. Senior staff told me that it is *'incumbent on supervisors to ensure that officers are not ostracised.'*[121]

117: EXH 0354.
118: EXH 0163; EXH 0413; EXH 0647. The reporting structure will vary depending on what is appropriate for a particular site.
119: EXH 0403.
120: EXH 0163.
121: EXH 0404.

Supervisors play key roles in picking up behavioural changes in officers and in being alert to behaviour that may indicate grooming.[122]

Supervisors have day-to-day contact with correctional officers and prisoners. They are in a unique position of being able to observe the interactions amongst officers, as well as interactions between officers and prisoners. There is an expectation that supervisors will report any vulnerable behaviour to managers.[123]

It follows that it is of utmost importance to have the right people in these roles, and for them to be properly trained and supported.

Correctional officers can apply to advance into supervisor roles. The usual process is to apply through an Expression of Interest and to complete both a nationally recognised training program and a period of time acting in the role or 'shadowing' a supervisor.[124] Supervisor positions are ultimately filled through merit based selection processes.

Advancing from correctional officer into a supervisor position requires the individual to meet new expectations. Not only is there the expectation that supervisors meet a required level of competence, but supervisors must embrace the fact that they are leaders and must model the values and behaviours expected of a leader.

Individuals must manage the transition from being a correctional officer, to being responsible for managing former peers. In some cases that can prove difficult.[125]

I understand that the supervisor group is transient. I am told that there are currently too many supervisors, that there is a lot of movement and back-filling of positions, and that it is not uncommon for individuals to act in a supervisor role for a short period of time before returning to correctional officer duties.[126]

This creates some obvious impediments.

Not only does this impact on the ability of staff acting in the role to provide effective leadership, but it must also negatively impact on their motivation to do so. As a senior member of staff put it, '*if you are only in a role for 2 or 3 weeks why would you bother changing anything?*'[127]

Indeed, staff told me that it can be hard for supervisors in acting roles. When individuals are back-filling they may not want to upset their colleagues by calling out poor behaviour or performance:

> '*This means most acting supervisors just sit in the role.*'[128]

> '*The problem also is with acting, at the end of the day you have to come back and be one of me. They can make life very difficult for you when you return to general duties if you aren't nice to me as a supervisor.*'[129]

122: EXH 0363; EXH 0440.
123: EXH 0404.
124: EXH 0405; EXH 0410; EXH 0413; EXH 0418; EXH 0421; EXH 0423.
125: EXH 0403; EXH 0410.
126: EXH 0359; EXH 0360.
127: EXH 0359.
128: EXH 0359; EXH 0423.
129: EXH 0418.

This must almost certainly create an environment where unmet expectations of behaviour may go unchallenged. Supervisors are in positions where they must not only address unmet expectations of behaviour, but also lead by example.

My team and I heard from a number of staff who share this view. Some staff told us that the supervisor group are supposed to be setting an example, and they need to be leaders. Not doing this *'shows others that bad behaviour is ok.'*[130] Others explained that supervisors are meant to be mentors, to advocate for and support staff. When this does not occur, one officer noted, *'sometimes you think – why do you do this role? You aren't leading by example.'*[131]

Of course my team and I heard about some very good supervisors across the Department.[132] I am sure most supervisors excel in their role. Yet, some staff estimated that *'of a group of 10-15 supervisors you might get half that do the job well'*[133] or that around *'30% of them are really bad.'*[134]

This does not bode well. The conduct of staff who play such a crucial role in setting the workplace culture must be high.

There is clearly some inconsistency across the supervisor group.

My team were given examples of general laziness among some supervisors:[135]

> *'Some spend more time trying to get out of work than doing the job.'*[136]

Staff gave examples of supervisors consciously refusing to undertake tasks that would be reasonably expected of them. Such examples ranged from supervisors remaining in their office all day rather than actively supervising, to failing to deal with the discovery of contraband within a prison.[137]

The information provided to me in the evaluation suggests that, at least amongst some supervisors, there is an attitude that tends towards minimising their responsibilities.

There is no question that this attitude influences correctional officers, but it also impacts on those who are charged with managing a prison.

I am told that the supervisor group are part of the 'us and them' problem and that their idea of managing is 'handballing' up to managers:[138]

> *'They won't be seen as part of the management group. Don't ever call the supervisors 'managers' – they'll lynch you.'*[139]

'They won't be seen as part of the management group. Don't ever call the supervisors 'managers' – they'll lynch you.'

130: EXH 0421.
131: EXH 0431.
132: EXH 0423.
133: EXH 0403.
134: EXH 0415.
135: EXH 0403; EXH 0415; EXH 0416; EXH 0421.
136: EXH 0403.
137: EXH 0416; EXH 0421; EXH 0423.
138: EXH 0407; EXH 0415; EXH 0421.
139: EXH 0407; EXH 0415.

I understand that the refusal by some supervisors to perform some aspects of their role means that this falls to prison managers.[140] It is not clear to me why some prison managers might be allowing this to occur.

It is reasonable to expect that staff, at any level, would perform the duties expected of them to a required standard.

If the Department's expectations of supervisors is clear, there should be no reason why any deviation is not addressed.

THE PERCEPTION OF LEADERSHIP AT THE DEPARTMENT

The strength of an organisation's leadership, even people's perception of it, will have a significant impact on the culture of a workplace. As I have said, it is not only the Department's executive team charged with the responsibility of providing leadership to staff. This role extends also to those in positions that manage and provide direction to teams across the organisation.

There were mixed views amongst staff when describing the leadership of the Department. I received a number of positive comments from the evaluation survey, including:

> *'Ethical, responsible leadership and senior management team/s - set strong role models.'*

> *'Currently I work within a team with excellent management, leadership, bullying is now being identified and dealt with.'*

> *'Superb leadership by Executive and cohesive team. Great role models.'*[141]

Members of the Risk and Performance Committee told me that they thought the Department is transparent and driven to improve its performance. Their view was that the executive team is proactive in taking responsibility for issues that require resolution.[142]

But I also received less complimentary feedback from some staff.

Some staff told me that they felt their feedback was not properly considered by the Department[143] and some felt reluctant to speak-up for fear of being *'put offside.'*[144]

Others felt there was a need for greater support for those in management roles. In particular, support is said to be needed to offer advice in dealing with human resource matters, including disciplinary matters.[145]

Despite varied perceptions of the Department's leadership, there was a consistent view from staff that there is an absolute need for strong leadership.

A large number of staff expressed the view that greater effort is needed to identify and effectively deal with poor behaviour and poor performance.

140: EXH 0415; EXH 0421.
141: EXH 0361.
142: EXH 0408; EXH 0440.
143: EXH 0415; EXH 0433.
144: EXH 0275; EXH 0361; EXH 0415.
145: EXH 0361; EXH 0400; EXH 0415; EXH 0418; EXH 0420; EXH 0424.

'A large number of staff expressed the view that greater effort is needed to identify and effectively deal with poor behaviour and poor performance.'

DEALING WITH POOR BEHAVIOUR

If staff are to observe individuals in a workplace who treat others with disrespect, refuse to fulfil their duties, fail to report wrongdoings, misuse over-time or do not show up to work - all without consequence - this not only impacts workplace culture, but creates an environment where more serious misbehaviour, even corruption, can go unchallenged.

My team and I were told that under the leadership of the present Chief Executive, there has been an observed increase in transparency across the Department. We were told that there is greater integrity and structure around recruitment, and that while bullying and the excessive use of sick leave are still said to occur, these practices are being challenged.[146]

We also heard from some staff that the Department *'promotes a culture of inclusion, ethics and accountability as well as high level service provision.'* Some staff feel positive about the work and culture of their teams but find that the poor behaviour of some individuals remains unaddressed.[147]

In addition to the behaviours I have already spoken of, staff also described a lack of respect, laziness, and disregard for policies and procedures by some officers.[148] I understand that the Department is dealing with low attendance rates for mandated staff training, and low completion rates for performance development plans.

I was provided with examples of correctional officers deliberately 'winding prisoners up' and openly displaying disrespect toward both fellow officers and management.[149] Staff also described some officers as *'lazy, uninterested, indifferent', and who 'spend a lot of time talking and sitting around and become resentful when work comes along.'*[150]

A senior employee told me that:

> *'there is an embedded culture in correctional services. There is the culture of taking sick days, there is laziness, a disregard for processes and policies. The culture of some correctional officers is not that different to the people they look after.'*

And that:

> *'Just because you become a correctional officer doesn't mean you are a model citizen.'*[151]

146: EXH 0415; EXH 0434.
147: EXH 0361.
148: EXH 0255; EXH 0271; EXH 0350; EXH 0361.
149: EXH 0424; EXH 0427.
150: EXH 0361.
151: EXH 0403.

Laziness in itself might not typically present as a cause of corruption. However, as it was explained to me by a senior member of staff, to insufficiently do your job can have consequences in a custodial environment.

> *'Domestic visits are the single largest source of contraband – you can observe on camera seeing the correctional officers reading the paper in the corner, congregating in groups rather than actively observing for anything unusual. It's a bit of a game. It is like trying to get the most paid for the least amount of work.'*[152]

These behaviours and the attitudes of the minority can have a significant impact on the broader workforce, particularly if they are allowed to continue without consequence.

Responses to the evaluation survey gave further insight:

> *'The good staff are worn down and tired of the 'not so good staff' not being dealt with or dismissed and in some cases end up rewarded with acting in higher positions.'*

> *'It appears (in the prison setting in particular) some people are not doing their job properly, which subsequently leaves more work for those who do.'*

> *'The 'few' who don't attend work or are lazy make it difficult to stay focused.'*

> *'Currently due to the attitude of certain staff that they can do whatever they like and there are no consequences for their actions this has impacted on the morale of those who are doing the right thing.'*

> *'Whilst the majority of staff try to work as a team, the many bad staff have been allowed to get away with toxic behaviour from management and executive which impacts heavily on the good staff.'*[153]

> *'There seems to be a reluctance to punish people at the Department. This can impact on the good workers who want to do the right thing. If they see people doing bad things with no consequences it impacts on their morale.'*[154]

What is necessary to emphasise here is that an organisation can have the most exemplary leadership, the most outstanding policies and procedures, and the most robust compliance measures in place, yet all can be compromised if individuals who choose not to do the right thing are not effectively managed.

The risk of corruption in environments where there are no consequences for wrongdoing is significant.

'These behaviours and the attitudes of the minority can have a significant impact on the broader workforce, particularly if they are allowed to continue without consequence.'

152: EXH 0401.
153: EXH 0361.
154: EXH 0411.

CHAPTER SIX
POLICY
FRAMEWORK

Chapter Six:
Policy Framework

Introduction

I have spoken of the importance of fostering a culture of accountability to assist in managing the risks of corruption.

For such a culture to exist, it is reasonable for staff to expect that there is clear, unambiguous, and up-to-date guidance readily available to them outlining the organisation's principles, rules and expectations.

An effective suite of policies, procedures and guidelines that are developed, approved, disseminated and reviewed in line with an agreed process goes a long way to supporting a strong culture.

If employees are confident that policies have been developed in line with agreed processes and approved by the Executive, they are more likely to adhere to them. Effective policies and procedures should also provide employees with some comfort that they are operating in accordance with the expectations of the organisation's leadership.

I was pleased that 98.5% of evaluation survey respondents said they had access to departmental policies, and most (78.9%) expressed confidence in their knowledge of how these policies and procedures applied to their role.

Indeed I was impressed with the quality of the policies and procedures that I saw. I thought the Department had performed well in its approach to the creation of clear, concise and comprehensive written guidance. Nevertheless, there are some aspects of the Department's policy framework that could benefit from change.

As I said in my evaluation of the City of Playford Council, policies and procedures should be easy to find and easy to understand. If staff cannot find or understand the guidance they need to do their jobs, or if this guidance is out-of-date and lacks relevance, there is a greater risk that staff will disregard policies and procedures in favour of developing their own work practices.

More than one-fifth (22.5%) of respondents to the evaluation survey said that staff in their workgroup did not typically follow policy and procedure. Of those, almost two-thirds (65.3%) said this was because adherence to policy is not monitored, and more than half (53.7%) said it was because the policy was not up-to-date. A further 46.3% said a relevant policy did not exist.[155]

Impropriety is not only more likely to occur in public institutions that lack clear and relevant policy and procedures, but is more difficult to detect and address. That is because institutions lose the opportunity to oversee and control the process of determining whether decision-making was in line with organisational expectations.

In this case I think the Department has a good suite of policies. Nevertheless, some gaps and weakness have been identified which require remediation.

155: EXH 0361.

Policy life-cycle

The Department has a Standard Operating Procedure (SOP) that outlines the stages and processes for the development, implementation, monitoring and review of policies and procedures.

SOP 063 'Management of Policies and Procedures' (SOP63) defines each type of document within the Department's policy framework and outlines the document hierarchy '*which forms the authority and precedence of rules, procedures, actions and tasks to be taken to ensure employees operate within a safe, ethical and legal framework.*'[156]

The Department is to be commended on the comprehensive nature of SOP 063. I was pleased to see that it defines each of the different types of policies and procedural documents, as well as specific terminology that must be used across these documents for consistency in interpretation. It also describes the responsibilities for each of those roles that are involved in the policy life-cycle.

Importantly, it sets out that the Director, Strategic Policy, Projects and Partnerships '*provides a centralised co-ordination and governance point for the development and review of all departmental Policies, SOPs and Guidelines.*'[157]

In my opinion, it is critical that a central point of overarching responsibility and coordination for the policy framework exists. I was surprised at some employees' perceptions that this central coordination function may not be operating as well as it could in practice.

I understand that the Operational Support and Performance Section within the Statewide Operations group has responsibility for developing, implementing, and monitoring operational strategies, policies and procedures.[158] It was explained to me that while monitoring and review of SOP 063 sits within the Strategic Policy, Projects, and Partnerships section, the Operational Support and Performance team works to update policies or SOPs to reflect operational needs and findings from the Department's Incident Review Committee or external bodies such as the Ombudsman and the ICAC.[159]

'In my opinion, it is critical that a central point of overarching responsibility and coordination for the policy framework exists.'

156: EXH 0045, p.3.
157: EXH 0045, p.6.
158: EXH 0009; EXH 0145.
159: EXH 0398; EXH 0399.

It appeared to me that there may be some confusion within the Strategic Policy, Projects, and Partnerships section as to the role that the Operational Support and Performance section plays in the policy life-cycle, particularly where SOPs are concerned. That apparent confusion should be resolved.[160]

I recommend that the Chief Executive of the Department for Correctional Services clarify the roles and responsibilities in respect of the policy life-cycle between the Operational Support and Performance Section and the Strategic Policy, Projects and Partnerships Section.

RECOMMENDATION 2

Without an effective central point of coordination and review, there is a risk that policies are not updated as required, or are created and amended without due consideration to existing related policy documents. This in turn risks conflicting advice or duplication of policy. Policies lose their relevance in this context and are therefore less likely to be observed by employees.

The Strategic Policy, Projects and Partnership section is responsible for providing quarterly reports to the Chief Executive to determine which policy documents need to be reviewed and updated. The section then alerts the policy owner of the need to update the document, review the amendments, and ensure the final version is approved by the Chief Executive.[161]

During the review phase, the final draft document must be placed on the Department's intranet site to seek feedback from staff on proposed amendments.[162] Approved policies are also uploaded to the Department's intranet site for staff access.[163]

160: EXH 0343; EXH 0399.
161: EXH 0399.
162: EXH 0045, p.8.
163: EXH 0399.

EXECUTIVE INSTRUCTIONS

SOP 063 details six types of policy and procedural documents used by the Department, one of which is an Executive Instruction. An Executive Instruction can be issued by the Chief Executive, Deputy Chief Executive, or Executive Director and contains information or instruction on operational matters.[164] Executive Instructions are often referred to as a 'memo' or 'manager's memo'.

Matters that are the subject of an Executive Instruction are typically those that require execution more quickly than the speed at which a policy could be amended, or fall in between the cycle of policy review. Critical information contained in Executive Instructions is meant to be incorporated into relevant policies or procedures when they are updated.[165]

I understand that the Strategic Policy, Projects and Partnerships section does not directly oversee Executive Instructions. I am told Executive Instructions are not included in the quarterly report to the Chief Executive highlighting policy documents due for review.[166] It is apparent that there is some confusion as to who has ultimate responsibility for managing Executive Instructions and for ensuring relevant policies or procedures are updated to incorporate their content.[167]

While it is understandable that Executive Instructions are necessary at times, what is not clear to me is why they are not part of the policy review process.[168] It was therefore unsurprising to hear from many staff that:

> 'If you seek guidance of a Standard Operation Procedure (SOP) you also have to read a lot of Memo's. (We get an avarage of 300 memo's a year).'[169]

> 'Some very outdated and misleading. Managers Memo's also are meant to have a 'active' life of 12 months and then developed into a LOP[170] - this never happens. Leaving staff misguided on many procedures.'[171]

> 'A Manager's Memo will be released – which is supposed to be short term, but two years later it's still there. The new people wouldn't know to look for the Manager's Memo. There are so many of them too.'[172]

'It is apparent that there is some confusion as to who has ultimate responsibility for managing Executive Instructions and for ensuring relevant policies or procedures are updated to incorporate their content.'

164: EXH 0045, p.4.
165: EXH 0399; EXH 0045, p.5.
166: EXH 0399.
167: EXH 0343; EXH 0399.
168: EXH 0399.
169: EXH 0361.
170: Local Operating Procedure.
171: EXH 0361.
172: EXH 0418.

Executive Instructions ought to be managed in accordance with the Department's overarching policy framework and should be incorporated into policy as efficiently as possible. Accordingly I make three recommendations.

I recommend that the Chief Executive of the Department for Correctional Services ensure Executive Instructions issued by the Chief Executive or other authorised person are the subject of Standard Operating Procedure 063 'Management of Policies and Procedures' to ensure those instructions are absorbed into relevant policies.

RECOMMENDATION 3

I recommend that the Chief Executive of the Department for Correctional Services ensure Executive Instructions are included in the quarterly report prepared by the Strategic Policy, Projects and Partnerships Section for the Chief Executive's review.

RECOMMENDATION 4

I recommend that the Chief Executive of the Department for Correctional Services conduct a review of policies, procedures and Executive Instructions currently available on the Department's intranet to identify and delete outdated and obsolete documents.

RECOMMENDATION 5

The effectiveness of the Department's policies

I have already commented upon the high levels of awareness and access to policies and procedures.

While general awareness may be high, I heard from many staff that the large number of policy documents can be overwhelming and that some are often out of date.[173] One respondent said *'staff get slammed with documents, endless memo's. It's confusing for staff and documents sometimes contradict each other.'*[174]

Operating in an environment where multiple documents provide guidance or direction on the same issue, or where multiple versions of the same document may be in circulation, creates confusion and increases the likelihood of non-adherence. Public authorities ought to strive for a single source of reference for all activities and functions, and that those sources be consistently updated. Obsolete or duplicate documents ought to be removed from circulation to reduce confusion.

Some staff explained to my team that document control is an issue as old versions are not always removed from the intranet, and that they couldn't say that there is a single source of 'truth' to refer to.[175]

> *'You just do the best you can and hope for the best. DCS needs to remove old versions so you know which one is current. You need to be sure you are referring to the up-to-date version, the right version.'*[176]

It was explained to me that new or updated policies and procedures are typically communicated to staff via email. Information is also shared during 'musters' for staff in prisons,[177] and for more significant changes, there may be staff forums and workshops.[178] Correctional officers also suggested there is not enough ongoing training for new or updated SOPs.[179]

> *'We get lots of email notifications of changes, but when it comes time to needing to review such policies and procedures, searching for them is time consuming.'*[180]

> *'It's impossible to know all the SOPs, the duty statements etc. It's all very well to have all of these documents but you need to have the time to read them.'*[181]

173: EXH 0361; EXH 0384; EXH 0389; EXH 0398; EXH 0417; EXH 0421.
174: EXH 0431.
175: EXH 0416; EXH 0418.
176: EXH 0416.
177: EXH 0343; EXH 0398.
178: EXH 0343.
179: EXH 0361; EXH 0398; EXH 0417; EXH 0424.
180: EXH 0361.
181: EXH 0417.

The lack of a formal process to determine the means by which staff are to be educated about policy amendments is, in my opinion, an oversight. The need for policy amendments to be widely disseminated is important to ensure that staff are aware of the content and substance of the policy change, why it has been updated or amended, and the implications of these changes for their daily work practices.

An appropriate communication and education strategy in respect of new policy or policy change is necessary to ensure staff are able to understand and adhere to the policy and understand the implications of the policy changes. That is particularly important where there are numerous changes to policies which staff are expected to understand and apply.

I recommend that the Chief Executive of the Department for Correctional Services amend Standard Operating Procedure 063 to include a process to determine and approve the appropriate dissemination and education strategy to be applied in respect of any new or amended policy, procedure or Executive Instruction.

RECOMMENDATION 6
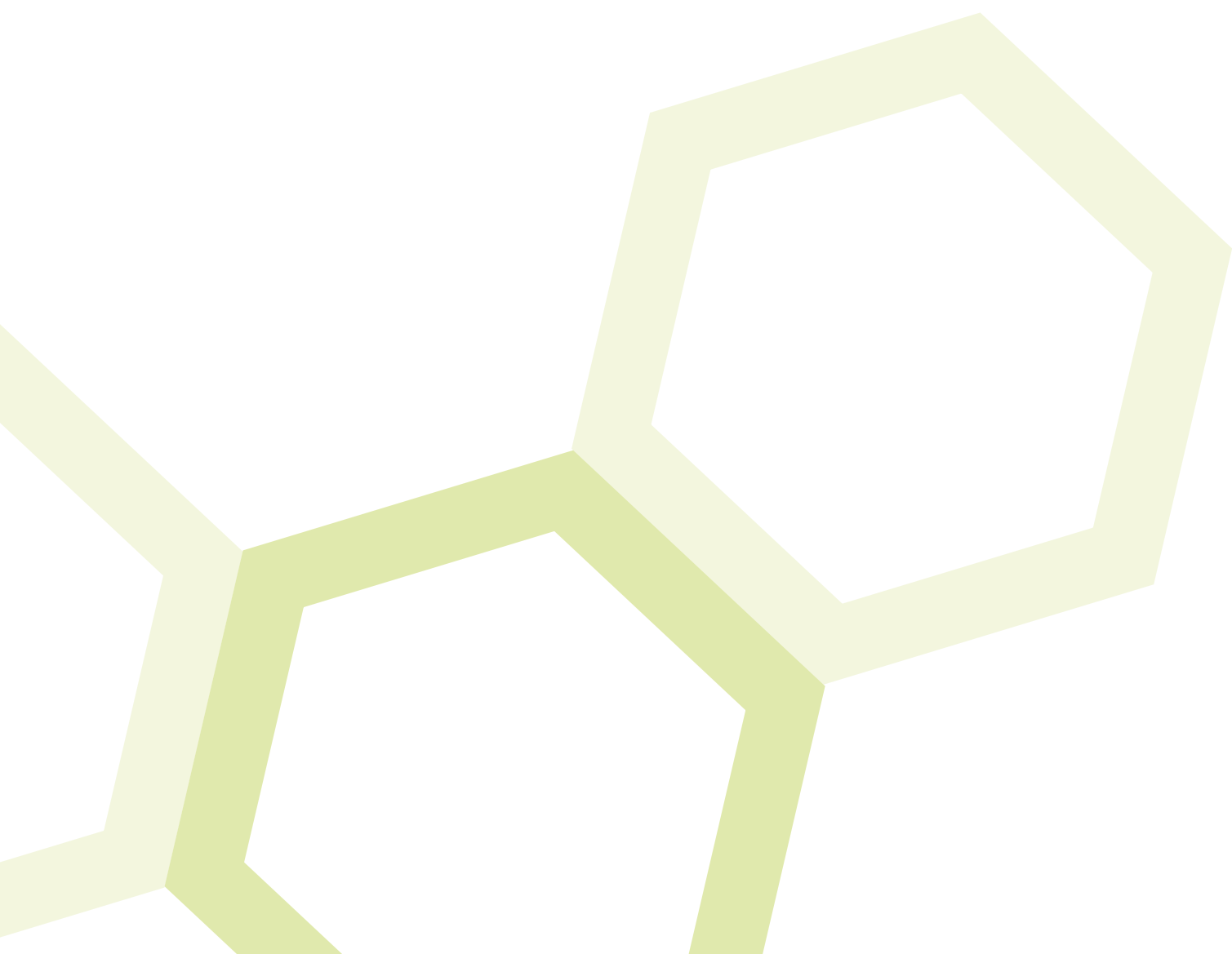
Adherence to policies

More than three-quarters of respondents to the evaluation survey said that individuals in their work group typically followed policies and procedures (77.5%), but 65.3% of respondents indicated the reason they were not always followed was that adherence to policy is not monitored:[182]

> *'There are certain procedures that you are meant to follow but you would be hard pressed to find anyone following them. No one checks anything.'*[183]

> *'There are no real consequences for not following or adhering to policies therefore what is the impetus to actually comply with them?'*[184]

> *'I don't disagree that we have the policies and procedures, but it is disappointing that DCS don't enforce them. I have been subject to and witnessed so much inappropriate behaviour over my time at [ ] and it is very rarely addressed.'*[185]

> *'Some correctional officers and supervisors will get Manager's Instructions and just hit delete.'*[186]

There is little to gain in having a suite of policies and procedures if staff tend to ignore or deliberately fail to adhere to them.

Managers and supervisors bear the responsibility for ensuring staff are aware of policies and procedures, that they are adequately trained in the expectations contained within them, and dealing with conduct that falls outside of these expectations.

Managers and supervisors are also responsible for consistently applying and enforcing policies and procedures. I received information that suggests this may not always occur. I was told that policies and procedures are at times adhered to at the discretion of managers, and that some will '*pick and choose what they want to apply and for whom.'*[187]

If this has been, or is occurring, it should cease. Such inconsistent application of policies serves to discourage staff from adhering to a required standard.

'There are certain procedures that you are meant to follow but you would be hard pressed to find anyone following them. No one checks anything.'

182: EXH 0361.
183: EXH 0424.
184: EXH 0361.
185: EXH 0361.
186: EXH 0421.
187: EXH 0361.

Indeed, I was told by an employee that:

> *'Unfortunately, I don't know how from day to day a documented policy or procedure is to be follow or enforced or whether I will be abused and bullied for trying to justify a decision I might make using policy and procedures.'*[188]

Staff who identify a deficiency or issue with a policy or procedure ought to raise that deficiency or issue through the appropriate channels. Ignoring the policy altogether creates risks of inconsistency, unauthorised activities and even personal liability when an adverse event arises in circumstances where there was a failure to adhere to an approved policy.

I recommend that the Chief Executive of the Department for Correctional Services reinforce to all managers and supervisors the need to insist on adherence to established policies and procedures.

RECOMMENDATION 7

188: EXH 0361.

CHAPTER SEVEN
INFORMATION MANAGEMENT

Chapter Seven:
Information Management

Aside from its people, one of the most important assets to an organisation is its information. Effective and efficient information management promotes informed and transparent decision-making, which in turn drives the delivery of quality services. As most information held by public institutions takes the form of hardcopy or digital records, it follows that public institutions must have in place robust and effective records management systems.

The Department has statutory obligations under the *State Records Act 1997* in respect of the receipt, management and disposal of official records. In addition, the *Freedom of Information Act 1991* provides the mechanism by which a person can seek documents held by a public authority.

When considering records or information management in the context of the Department, correctional staff exercise considerable power over prisoners through their influence over what is reported and recorded.[189] If records contain inaccurate information, decisions made on the basis of their content can unfairly prejudice the treatment[190] or rehabilitation of prisoners.

Records often contain the only source of information about why decisions were made. Record keeping requirements encourage decision-makers to ensure decisions are considered and appropriate. This can act to protect the Department and its employees if decisions are challenged.

Lax records management systems create integrity risks by creating an environment where records can be accessed, disseminated, altered or deleted for improper purposes. This can have serious consequences in a correctional environment because information held by the Department includes business, security, and personal information, as well as information about criminal activities and dangerous individuals. Moreover, a lack of adherence to record keeping can allow poor or corrupt decisions or behaviour to go undetected. Adherence to accurate record keeping, and dealing with improper record keeping can have a positive impact on the integrity of an agency.

189: Andrew Goldsmith, Mark Hasley and Andrew Groves, *Tackling Correctional Corruption* (Palgrave Macmillan, 2016) p.102.

190: Andrew Goldsmith, Mark Hasley and Andrew Groves, *Tackling Correctional Corruption* (Palgrave Macmillan, 2016) p.104.

Indeed, the importance of information management was highlighted to me by several staff:

> *'I have been in the Department a long time, I am aware of the importance of record keeping and have needed to produce records for various investigations in the course of my duties. Those records have provided clear evidence that procedures were followed correctly. Without proper record keeping, the individual, the section and the Department are at risk.'*

> *'I probably over-document mindful of the legitious nature of some of the clients, but also in case my work needs to be reviewed or I died, people would know what I was doing so they could hopefully carry on.'*

> *'Poor document management puts pressure on other staff.'*[191]

During the course of this evaluation the South Australian Ombudsman published a report into the death of a prisoner.[192] The Ombudsman found that the Department failed to retain official records and recommended the Department provide him with a detailed update of processes implemented to review and improve the Department's records management systems.[193]

As a result of the recommendations made by the Ombudsman in that report, and in other reports, the Department undertook an assessment of its records management policy, procedure and practice against the then State Records Adequate Records Management Standard audit criteria.[194] I understand that as a consequence of that audit, recommendations were incorporated into an Information Management Strategic Plan 2019-2024 and a draft Information Management Business Plan.[195] Other improvements have included a new requirement for staff to complete a Records and Information Awareness training session,[196] and the intended introduction of an Information Governance Framework.[197]

The Department also intends to update its electronic offender management system, and introduce an electronic document records management system.

Given the recent report from the Ombudsman and improvements being made to the Department's information management practices, I decided not to evaluate its practices, policies and procedures in that regard. I acknowledge the Department is taking a number of steps to address identified shortcomings and it should be given an opportunity to do so. Rather than offer a detailed analysis, I will offer some observations that might be relevant as the Department works towards are more robust records management system.

191: EXH 0361.
192: EXH 0402.
193: EXH 0402, p.104.
194: EXH 0402, p.104.
195: EXH 0195; EXH 0436.
196: EXH 0210; EXH 0402, p.104; EXH 0436.
197: EXH 0436.

Observations

Evaluation survey respondents were asked to rate record keeping on a scale of one to five, with five being that records are maintained 'very well' and one being that records are maintained 'poorly'. A total of 86.5% of evaluation survey respondents gave a rating of three or more.

Positive comments included:

> *'My Supervisor is really hot on ensuring records are completed under the DCS guide lines policeies and proceedures.'*

> *'We have great managers and Team supervisors who train staff well and have expectations for high standards.'*[198]

However, staff also told me:

> *'Different business units keep records differently. I often don't know which records can be stored electronically and which records require hard copies. More information around electronic record keeping is required. I am otherwise confident in my record keeping responsibilities.'*

> *'Inadequate record keeping is rife. The need to train our staff is urgent.'*

> *'I have undertaken the records management training but until recently there has been no requirements for appropriate record keeping to be undertaken within our branch.'*

> *'Too many different ways of keeping records, unsure what needs to be done when. Written notebooks, emails, JIS case notes, formal minutes / briefings.'*[199]

When evaluation survey respondents were asked whether they had personally witnessed inadequate record keeping/document management, 42.0% of respondents answered 'yes'. Of those, 46.4% said they witnessed inadequate record keeping either daily or weekly, with only 27.9% of staff reporting the conduct.

198: EXH 0361.
199: EXH 0361.

Some staff explained to me the difficulties when working in a dynamic or hyper-vigilant environment, where record keeping can be seen as a distraction and is therefore not prioritised.[200] I accept the challenges associated with such an environment, but maintaining an adequate record of incidents and activities is crucial to maintaining a safe custodial environment, identifying problematic behaviours, ensuring a consistent and appropriate approach to the discharge of duties and identifying poor performance or improper behaviour. It ought not be regarded as an unnecessary part of one's duties. It should be seen as integral.

Poor or improper record keeping may lead to serious consequences.

During the course of the evaluation, I received comments describing a lack of information in case notes to explain why decisions were made about prisoners,[201] staff making up case notes to meet their case note 'quota',[202] visitor's names being recorded under different variations,[203] staff 'signing off' Correctional Officer Training books without witnessing or documenting an assessment,[204] 'blank forms with crucial information missing',[205] and the inaccurate recording of timesheets.[206]

I was also told of occasions where staff deliberately included as little information as possible on incident reports,[207] and incidents involving court matters where there have been only 'two or three lines of evidence to work with.'[208] Investigating these allegations is not within the remit of this evaluation. Suffice to say that such behaviour, if it is occurring, will likely result in more serious consequences for the correctional officer(s) involved.

I understand there is a new requirement for all staff to complete a records and information awareness training sessions.[209] But training alone is inadequate. Training must be followed with a clear expectation that standards will be met and that failures to meet the standard will be appropriately addressed. I encourage the Department to consider these observations, which are wholly drawn from the feedback provided by Departmental staff, as it acts to improve its information management processes.

200: EXH 0361; EXH 0401.
201: EXH 0416.
202: EXH 0424.
203: EXH 0276; EXH 0401.
204: EXH 0431.
205: EXH 0436.
206: EXH 0361; EXH 0393.
207: EXH 0276.
208: EXH 0391.
209: EXH 0210.

CHAPTER EIGHT
THE INTEGRITY RISKS OF A CUSTODIAL ENVIRONMENT

Chapter Eight:
The Integrity Risks of a
Custodial Environment

The unique nature of custodial environments lends itself to greater risks of corruption. Such settings are by necessity closed environments, and those who work within them are managing individuals who often present challenging behaviours.

The Department's Chief Executive conveyed to me that the greatest integrity risk for the Department is *'the interface between us and the people we are supervising.'* I think that is right.

Individuals in custody can have complex histories of violence, dependence on drugs and alcohol, mental health issues, and many have existing criminal associations.

Relationships between correctional staff and prisoners should serve to ensure the necessary supervision and care is effectively provided to those in custody, without stepping into the bounds of over-familiarity that may lead to improper conduct.

Activities such as introducing contraband and inappropriately accessing and disclosing confidential information often stem from the formation of improper relationships between correctional staff and prisoners. These are risks that are present in custodial environments across jurisdictions globally. The challenge lies in ensuring adequate controls are in place to manage such risks.

'The Department's Chief Executive conveyed to me that the greatest integrity risk for the Department is *'the interface between us and the people we are supervising.'*'

Integrity Framework

The Department's Integrity Framework comprises a range of policies, procedures and initiatives that promote and foster standards of integrity in the workplace. I have discussed the policies and procedures that are central to the framework elsewhere in this report. These documents provide staff with guidance around their responsibilities in respect of integrity and employee conduct.

The image below illustrates the various strategies which compromise the Department's Integrity Framework. [210]
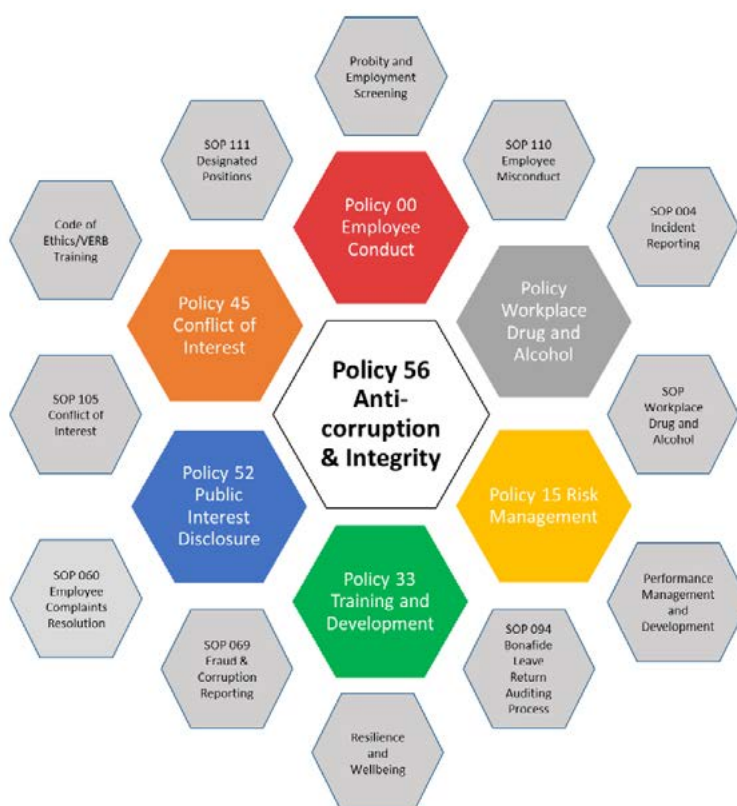
The Integrity Framework aims to prevent corruption and, *'identify and respond to unethical conduct'*[211] through a range of initiatives including probity and employment screening during recruitment, the Performance Management and Development process, the Complaints Assessment Panel and misconduct procedures, and induction programs covering topics such as the Code of Ethics, and ethical and respectful behaviours.[212]

I understand that the Department is also working on the introduction of a number of other initiatives including workplace drug and alcohol testing, and increased screening for a number of roles that have been identified as 'designated positions' requiring additional scrutiny.[213]

Indeed, over the last decade I am told that considerable effort has also gone into the advancement of integrity in decision making through the development of multidisciplinary governance structures. Committees like the Serious Offenders Committee and the Home Detention Committee enable team-based decision making that is said to not only lead to better outcomes, but also reduce the risk of individuals

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210: EXH 0607.
211: EXH 0268.
212: EXH 0607.
213: EXH 0607.

doing favours for benefit, and of a single person using discretion or power in an unacceptable way. It was explained to me that while the ultimate decision is made by the delegate, it is informed by advice from the committee.[214]

The Office for Correctional Services Review (OCSR) is obviously integral to the Department's efforts to manage its corruption risks. It too has moved through a period of transition and expansion over the last few years and comprises a number of functions including intelligence, investigations and audit.[215]

The OCSR works to gather intelligence in respect of potential illegal activity within the prison system that may involve prisoners, visitors or other persons. This can include the identification of gangs, organised crime and national security targets, identifying sources of contraband entering prisons, and the effective management of high-risk offenders and visitors.[216]

It deals with investigations relating to critical incidents and employee misconduct. The OCSR can receive reports of inappropriate behaviour or misconduct from employees, and investigates matters referred from the Complaints Assessment Panel.[217]

Another important function of the OCSR is to supervise the Department's audit and risk functions, ensuring the Department meets its compliance obligations.[218] In addition to the Enterprise Risk Register and its related audit program, the Department's Operational Compliance Framework deals with a series of checks against risks that are specific to prison sites. A selection of routine tasks are tested for compliance, including checks that staff are carrying the correct equipment and understand its purpose, the disposition of keys is monitored, vehicles entering the prison are correctly admitted and visitors have been properly identified.[219]

I understand that sites meet weekly to discuss their operational compliance obligations and that monthly reports are prepared for review and monitoring by the OCSR and the Department's Risk and Performance Committee.[220]

I also understand that significant resources have been directed to establishing a comprehensive Integrity Framework. It appears that this framework has evolved over time, as it must.

As part of a robust and contemporary Integrity Framework, organisations must identify their unique integrity risks and implement the necessary controls to manage them. In terms of corruption risks in prisons, these controls should include measures to prevent inappropriate relationships and grooming, and effective access controls to deal with the various methods for introducing contraband.

214: EXH 0363.
215: EXH 0009; EXH 0363.
216: EXH 0090.
217: EXH 0270.
218: EXH 0090.
219: EXH 0397.
220: EXH 0397; EXH 0413.

Grooming and inappropriate relationships

It is inevitable that those with responsibility for the management and welfare of prisoners will and should develop a rapport with them. I think that is important.

Constructive relationships between staff and prisoners can have a positive impact on the good order of the prison and the rehabilitation of prisoners.

It is when such relationships become inappropriate that there is a greater risk that improper conduct might occur.

Prisoners may seek out avenues of accessing favourable treatment, confidential information, or contraband such as drugs or mobile phones while in custody. Those in prisoner facing roles,[221] in particular correctional officers, can be seen as prime sources for advantages and may therefore find themselves targeted.

Correctional officers have access to confidential prisoner information which is necessary for the effective supervision and management of prisoners. They will record case notes about the prisoner's health and wellbeing, compliance, attitude and behaviour, and any incidents involving the prisoner. Information is used by case management co-ordinators to develop case management plans for prisoners. Such plans impact on decisions made about time out of cells, visits, access to facilities and other activities and privileges.[222]

There can be considerable value for a prisoner to influence staff. Whether that be to have an officer inappropriately access and disclose confidential information in respect of another prisoner, to influence case notes and therefore access to privileges, or to access contraband for personal use or to trade for profit amongst fellow prisoners.

It is important that individuals working in prisoner facing roles are alive not only to the risks that an inappropriate relationship presents, but that they can recognise the first stages of the grooming cycle.

'There can be considerable value for a prisoner to influence staff …

… It is important that individuals working in prisoner facing roles are alive not only to the risks that an inappropriate relationship presents, but that they can recognise the first stages of the grooming cycle.'

221: Correctional staff who have direct contact with prisoners.
222: EXH 0573.

THE BEGINNINGS OF AN INAPPROPRIATE RELATIONSHIP (GROOMING)

Inappropriate relationships between a prisoner and an officer will often start with a prisoner targeting an officer he or she might consider to be vulnerable. Referred to as 'grooming', the prisoner will attempt to develop a rapport with the officer before moving to the request for small, seemingly innocuous favours. If complicit in the granting of such favours, staff can find themselves in a position where continued favours will be expected or demanded, sometimes in the face of threats. The requests continue, becoming more and more onerous. In such cases the correctional officer may feel unable to disentangle himself or herself from the relationship and the expectations that flow.

As was explained to me:

> 'It always starts small...with a can of coke or something.'[223]

> 'Officers can become overly familiar. They can form relationships or divulge personal information. Once the line is crossed it is very hard to go back. Then this leads to requests for favours. Once an officer is in this cycle it can be very hard to pull out.'[224]

The risk of grooming is not unique to correctional officers, but is a risk for all staff who have contact with prisoners. Those who find themselves vulnerable to a prisoner's advances are at a heightened risk of engaging in inappropriate conduct.

Individuals might find themselves vulnerable as a result of feeling isolated from their peers,[225] not fitting in with the work group,[226] or due to personal matters such as a marriage breakdown[227] or financial difficulties.[228] If staff feel vulnerable and isolated, there is risk that the prisoner(s) becomes the officer's peer and support group.[229]

Staff explained to me that prisoners can quickly identify these vulnerabilities and use it to their advantage:

> 'This creates opportunities for prisoners – they see a weak point.'[230]

> '...the risk increases when staff aren't feeling valued or are down in the dumps. Makes them more vulnerable.'[231]

> '...it is mainly the vulnerable officers...prisoners will prey on these the most.'[232]

Staff may decide to accommodate a prisoner's requests in order to appease them, to keep the peace, maintain order or simply *'because it gives them an easier week.'*[233] While the granting of such favours may encourage compliance in the short-term, the risks are obvious.

223: EXH 0426.
224: EXH 0404.
225: EXH 0404; EXH 0416.
226: EXH 0404.
227: EXH 0419.
228: EXH 0403; EXH 0405; EXH 0406; EXH 0419; EXH 0430.
229: EXH 0446.
230: EXH 0404.
231: EXH 0432. Referring to the isolation of a fellow staff member.
232: EXH 0391.
233: EXH 0422. Referring to staff members.

ILLICIT DRUG USE AMONGST STAFF

I received information during the course of this evaluation that suggests there are some staff working in prisons who are regular illicit drug users.[234]

A number of staff expressed to me their frustrations in respect of staff that are believed to present to the workplace while still under the influence of drugs.[235]

> *'I believe there is a lot of people who are doing drugs but I can't prove that. I don't trust people who do that and then work alongside prisoners...Prisoners are good at manipulating people which worries me. I want to be safe in my workplace and trust My colleagues.'[236]*

Employees should be rightly concerned for their safety and that of their colleagues if individuals working alongside of them are affected by drugs. Not only does this present a risk to the security and safety of a correctional institution, but amplifies the risk of prisoners seeking to take advantage of an officer's drug use, through threats of reporting or influence to bring drugs into the prison environment.

In 2020 the Department developed a 'Workplace Drug and Alcohol Policy'[237] and related procedure.[238] The policy applies to all employees and allows the Department to conduct drug and alcohol testing of staff in certain circumstances. This is a positive initiative of the Department and one that I believe is welcomed by many staff.

CONFLICTS OF INTEREST AND ASSOCIATIONS

Pre-existing relationships, associations or connections between officers and prisoners or a prisoner's family, friends or associates, creates a conflict which, if not identified, disclosed and managed, creates the risk that an officer may act improperly.

A conflict of interest will arise when the personal interests of a public officer conflict, or are perceived to conflict, with their duties and responsibilities as a public officer. I was concerned by both the prevalence of staff observing conflicts of interest in the workplace and the degree to which such conflicts went unreported.

Such risks are amplified in regional locations where local connections may exist between correctional staff and the regional community. Employees may be particularly vulnerable to being the target of grooming by members of the community who have a connection to persons in custody. Staff might already be known to individuals entering custody.

The risk of staff having associations with those in custody are not unique to regional prisons, and indeed all conflicts of interest need to be appropriately identified and managed.

234: EXH 0316; EXH 0405; EXH 0407; EXH 0419; EXH 0424; EXH 0434.
235: EXH 0316; EXH 0405; EXH 0407; EXH 0419; EXH 0424; EXH 0434.
236: EXH 0361.
237: EXH 0639.
238: EXH 0640.

Almost 40% of respondents to the evaluation survey indicated they had personally witnessed a failure to declare a conflict of interest in the last two years (38.9%), with more than half observing such failures on either a daily, weekly or monthly basis (53.3%).

Nearly 20% of evaluation survey respondents indicated they had witnessed individuals not declaring associations (19.5%), including criminal associations, in the last two years, with 41.5% making such observations on either a daily, weekly or monthly basis.

In each case, less than a quarter of respondents indicated that they had reported the conduct (24.7% and 21.3% respectively).

Department staff have an obligation to disclose to the Chief Executive or his delegate any actual, potential or perceived conflict of interest.[239] Conflicts of interest are recorded on a central register and any changes must be disclosed through a subsequent Conflict of Interest Report.[240]

The Department's 'Conflict of Interest Policy' and associated procedure provide examples of declarable conflicts of interests, including any *'associations or relationships with a person who is a known criminal, or is suspected or perceived to be involved in criminal activities, or is known or suspected of having criminal history or reputation.'*[241]

The Department informed me that 48 Conflict of Interest Reports were submitted during 2019-2020, and that some reports are retained at local sites.[242] It is not clear to me why reports would be retained locally when this is not consistent with departmental policy.

I understand that there is no Department wide mandate for staff to routinely review and update any conflicts of interest. Rather, it is left up to the employee to identify and disclose as and when they arise.[243]

I have some reservations about the practice of relying on individuals remembering to both provide and update information on their conflicts of interest as and when they arise or change. It would certainly be a difficult proposition to expect that managers maintain oversight of conflicts of interest when these records may not be contemporaneous. I also expect that this oversight would be limited further when such records are retained in various locations.

For staff to appropriately disclose and report conflicts of interest it is important that they have a clear understanding of what they should be reporting. Based on information I received during the course of the evaluation I believe that some staff do not fully understand their disclosure obligations.[244]

> 'I believe that some staff do not fully understand their disclosure obligations.'

239: EXH 0267.
240: EXH 0266; EXH 0267.
241: EXH 0266, p.6; EXH 0267, p.5.
242: EXH 0612.
243: EXH 0266; EXH 0267.
244: EXH 0316; EXH 0423; EXH 0427; EXH 0430.

'A conflict of interest is not, in itself, problematic. A failure to identify, disclose and manage a conflict is.'

I was provided with examples where clear conflicts of interest had not been disclosed. As a stark illustration, I was informed of an occasion where an associate of an officer's ex-partner had been in prison. I am told the officer had been supervising this particular prisoner and did not report the conflict until the prisoner was released. It was believed the officer would give prior warning to the prisoner as to when cell-searches were to be undertaken.[245]

Conflicts of interest can and do arise. They are an inevitable part of public sector life. A conflict of interest is not, in itself, problematic. A failure to identify, disclose and manage a conflict is.

For these reasons I think the Department's conflict of interest disclosure requirements ought to be strengthened. Rather than relying upon the staff member to report conflicts of interest as and when the staff member might identify them, the obligation to make declarations ought to include an obligation to make an annual disclosure. In this way the employee is compelled, at least once year, to positively consider whether he or she has a conflict of interest that ought to be disclosed, thereby avoiding the risk that the staff member may not report due to inadvertence. Where no conflicts are known to the employee that fact should be recorded.

This should not derogate from the existing requirement to report a conflict if and when it arises.

> I recommend that the Chief Executive of the Department for Correctional Services amend the 'Conflict of Interest Policy' to require all staff who have contact with prisoners to make a disclosure of any conflict of interest (or to declare no such conflicts exist) on an annual basis.
>
> **RECOMMENDATION 8**

Whether it be through lack of understanding, a genuine oversight or a deliberate omission, the consequences of failing to make a disclosure can be to the significant detriment of prison operations.

Regardless of their beginnings, inappropriate relationships in correctional settings can promote a fertile environment for contraband and other favours to occur in prisons. It can compromise the safety of both prisoners and officers, and any inequity in the treatment of prisoners can cause tension amongst those that are incarcerated.[246]

Collectively, this is likely to affect not only the good order of a prison, but will almost certainly erode any existing standards of integrity.

245: EXH 0427.
246: EXH 0422.

Managing the risks of grooming and inappropriate relationships

Managing the risks of grooming and inappropriate relationships among those in prisoner facing roles begins with recruitment. I will discuss the importance of effective recruitment later in this report.

Once recruited, staff must be equipped to recognise the early signs of grooming attempts, understand the risks of inappropriate relationships, and to know how and where to seek guidance and support.

I understand the Department has adopted a model of supervision for those in custody known as 'dynamic security', where staff are encouraged to professionally interact with prisoners and to *'observe and pre-empt issues.'*[247]

That approach may assist with the early detection of any planned criminal activities within a prison, or potential unrest and violence, and can positively influence a prisoner's rehabilitation. While those outcomes are critically important to the Department's mandate, it is inevitable that such interactions will require staff to navigate the sometimes subtle distinction between appropriate engagement and interactions that pave the way for inappropriate behaviour.

I was told by staff that:

> *'...the nature of this prison is officers get to know and build rapport with prisoners – but then the risk is it goes too far.'*[248]

> *'The Department is pushing staff to have good relationships with prisoners as this de-escalates situations – but where is the line?'*[249]

GROOMING EDUCATION

I understand that the Trainee Correctional Officer program includes grooming and manipulation training for new recruits.[250] The Department is currently expanding the course content to include professional prisoner relations, inappropriate relationships and how to avoid grooming and manipulation.[251] That should be commended.

Nevertheless, a number of staff indicated to my team and me that they thought the initial training they received in respect of grooming and manipulation was insufficient, and that additional ongoing training would be beneficial.[252]

One employee explained to my team that grooming was part of the Trainee Correctional Officer program, at a time when they were *'bombarded with everything else.'*[253] Another officer indicated that the most recent grooming training he participated in was during the 1980s.[254]

247: EXH 0418.
248: EXH 0406.
249: EXH 0433.
250: EXH 0359; EXH 0416; EXH 0430.
251: EXH 0249; EXH 0400; EXH 0460.
252: EXH 0361; EXH 0406; EXH 0416; EXH 0419; EXH 0420; EXH 0430.
253: EXH 0418.
254: EXH 0417.

While I understand that there has been some grooming training provided to individual groups across the Department and that this can be made available to staff on request, it is not incorporated into the Department's ongoing mandatory training program for correctional officers.[255]

Any employee who has regular contact with a prisoner should be educated about grooming and inappropriate relationships both during initial training or induction, and on a regular, ongoing basis. Grooming training should be a mandatory training requirement.

> I recommend that the Chief Executive of the Department for Correctional Services introduce regular and mandatory training about grooming and inappropriate relationships for all staff who have regular contact with prisoners.
>
> **RECOMMENDATION 9**

SUPPORT TO MANAGE GROOMING AND INAPPROPRIATE RELATIONSHIPS

While it is important for staff to be trained on how to recognise attempts at grooming and what would be considered a conflict of interest, it is also important for staff to be able to access support and advice at an early stage if they feel that they are being targeted or groomed, or if they observe it occurring amongst others. If appropriately managed early, there is a good chance that an inappropriate relationship that might lead to corruption can be avoided.

Managers and supervisors play a key role in identifying individuals that may be considered at risk of grooming, or indeed are seen to be becoming too familiar with prisoners. So too are they likely to be a first point of call for an officer who is concerned.

Some of the managers I spoke with told me they regularly undertake site inspections and actively engage with staff to understand prison dynamics. This includes identifying staff who may be more vulnerable to attempts to groom.[256]

One general manager explained to me that when early warning signs are observed, the situation is discussed with the individual. A peer or mentor will then be identified to provide further support to the individual.[257] I also understand that, at least at one prison, supervisors will proactively monitor correctional officers for any sign of vulnerability to grooming and provide support to the individual where necessary.[258] I am sure that also occurs at other prisons.

But I have little doubt that approaches vary. Early intervention did not occur in respect of one employee who has since been convicted of corruption offences.

255: EXH 0460.
256: EXH 0403; EXH 0404; EXH 0407.
257: EXH 0404.
258: EXH 0430.

That individual explained that he had experienced a period of mental fatigue leaving him feeling burnt out. During this period, the individual would regularly arrive late for work and leave early (which was not addressed by the employee's manager at the time). This individual was in fact the subject of grooming which did develop into an inappropriate relationship, and as a consequence, the individual engaged in behaviour that amounted to corruption.[259]

In my view, it is critical that staff feel comfortable and supported to be able to raise concerns about their own vulnerabilities and their concerns about interactions with prisoners. As one individual put it:

> *'If people feel vulnerable, they need to have confidence to be able to say, for example 'my relationship with a prisoner is changing'. That transparency and speaking about this is important rather than an attitude where there is something wrong with you if you want to talk to someone.'*[260]

A quarter of respondents to the evaluation survey said they had witnessed an inappropriate relationship between staff and a prisoner in the past two years (25.4%), with half indicating they witnessed it either daily, weekly, or monthly (50.0%). But only 36.9% of respondents reported the conduct.

The Department's 'Employee Conduct Policy' requires staff to *'report workplace behaviour that a reasonable person would suspect violates any law, is a danger to public health or safety or to the environment, or amounts to misconduct.'*[261] There is an additional obligation to report to the OPI any matter that is reasonably suspected of involving corruption, or serious or systemic misconduct or maladministration.[262]

In many cases officers will be unaware that they are the subject of grooming. The Department's ability to provide early intervention and support for officers that are at risk of grooming will be improved if staff are willing to report their observations. Equally, for those who might consciously choose to participate in an inappropriate relationship, the reporting of such behaviours by others is critical.

While the framework for reporting suspected corruption is clear, there is presently no formal avenue for staff to report conduct that may fall short of suspected corruption, misconduct or maladministration.

Similarly, there are no formal avenues of support for staff who suspect they might be the subject of grooming. I understand that in both circumstances, staff are encouraged to speak to their supervisor or general manager, or to contact the OCSR. They may also access the Employee Assistance Program.[263]

In my opinion the Department ought to consider the feasibility of establishing a dedicated communication channel whereby staff can discuss with a suitably qualified employee their concerns about their own interactions with prisoners or their observations of others' interactions. I do not think an employee assistance program is the most suitable avenue for such concerns to be raised. While the OCSR may be an option, I suspect many staff would feel less inclined to raise such concerns with

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259: EXH 0644.
260: EXH 0440.
261: EXH 0264.
262: Public Officers have an obligation under the Independent Commissioner Against Corruption's *Directions and Guidelines for Public Officers* to report matters reasonably suspected of involving corruption, or serious or systemic misconduct or maladministration unless the public officer knows the conduct has already been reported to the Ombudsman or the OPI.
263: EXH 0391.

that unit if they are concerned that their interactions or their observations will become the subject of an investigation. Indeed I was also told that some staff were reluctant to report conduct because they only had a *'suspicion that something was happening'* and had no evidence.[264]

An alternative communication channel might present an avenue for staff to more readily raise their concerns (in the absence of formal evidence), resulting in more effective and timely intervention.

It may be that if the Department is working to promote and encourage individuals to seek out advice and support for suspected grooming activity, that it also educates its staff as to the types of behaviours or activity that should be reported. While this information in itself may not always warrant further enquiry, it may provide a wider picture that is of value to the Department in its efforts to address grooming more broadly.

> I recommend that the Chief Executive of the Department for Correctional Services consider the feasibility of establishing a separate communication channel for staff to raise concerns about their interactions with prisoners or their observations of others' interactions and to receive support to manage those concerns.
>
> **RECOMMENDATION 10**

ROTATING STAFF TO FURTHER MANAGE THE RISKS OF GROOMING

Aside from training, early access to advice and support, and a willingness to report suspected grooming or inappropriate relationships among staff, rotation of staff may also be an effective strategy in reducing risks of inappropriate relationships.[265]

It was explained to me that *'...rostering is important – where staff are moved through the prison and aren't exposed to the same people for long periods of time ..... this limits exposure and lessens the likelihood of relationships developing.'*[266]

Not only might the rotation of staff reduce corruption risks associated with inappropriate relationships, it may improve the likelihood of reporting impropriety by breaking down established employee groups.[267]

The rotation of staff appears to be a matter determined at a local level. It does not appear that there is a Department wide policy position about staff rotation, including in respect of community corrections officers.

Of course, there will be industrial implications, particularly where rotations might call for movement to different prisons. Some correctional officers may have discrete expertise which may be invaluable to the management and rehabilitation

264: EXH 0361; EXH 0405.
265: EXH 0447, p.63.
266: EXH 0405.
267: EXH 0448, p.17.

of a particular cohort of prisoners. I do not underestimate the practical challenges associated with expanding rotation arrangements.

Nevertheless, I think the Department ought to develop an overarching policy position about the rotation of staff. While that policy ought to have sufficient flexibility to address local needs, it ought to define the underlying rationale and principles to be applied in determining appropriate rotation arrangements.

This should include, as a primary consideration, preserving the integrity of prison operations and guarding against improper conduct.

> I recommend that the Chief Executive of the Department for Correctional Services develop a staff rotation policy which defines and reflects the underlying rationale and principles to be applied in determining appropriate rotation arrangements.
>
> **RECOMMENDATION 11**

Contraband

It is a criminal offence to introduce contraband into the prison environment.[268] The Department's Standard Operating Procedure 'Prohibited Items and Restricted Materials' provides that any person wishing to enter an institution (including employees, volunteers, contractors and visitors) must not introduce any prohibited items of any type into the institution at any time.[269]

The procedure states that the prohibition of some items is necessary where they might be detrimental to the safety and security of employees and prisoners, or have the potential to negatively impact on prisoner behaviour and rehabilitation. Some examples of prohibited items include alcohol, drugs and drug paraphernalia, tattooing equipment, weapons or replica weapons, and electronic devices including mobile phones.

Such items are typically referred to as contraband.

Tobacco and smoking related products were added to the list of prohibited items with the introduction of a smoke free workplace. The 'Smoke Free Policy' was approved in late 2019 and prohibits smoking by employees, contractors, volunteers, visitors, prisoners and offenders within any Departmental premises.[270]

Recent amendments to the Correctional Services Act will further strengthen controls for dealing with contraband in prisons through the introduction of buffer zones. Persons that are found with prohibited items within prescribed areas surrounding prisons may face up to ten years in prison. The amendments will ban remotely piloted aircraft such as drones from operating without authorisation within 100 metres of a correctional institution.

268: *Correctional Services Act 1982* s 51.
269: EXH 0039.
270: EXH 0320.

It has been reported that 58% of people entering a South Australian prison admitted to using illicit drugs in the year prior to incarceration, and 83% of individuals entering into custody in a South Australian prison were smokers.[271] I have been told that the recent ban on smoking (possibly combined with visitor restrictions due to COVID-19) has reportedly led to a packet of cigarettes selling for between $700 and $800.[272] Other sought after items, including illicit drugs and mobile phones, are no doubt high value items.

This of course can prove to be a considerable financial temptation to those in a position to facilitate the introduction of such contraband.

HOW DOES CONTRABAND ENTER PRISONS?

Contraband enters prisons by way of a number of avenues. The typical avenues include visitors, staff, contractors, prisoner mail, lobbing items over perimeter fencing, or through prison supply deliveries. In more recent years the use of drones to drop contraband items into prison facilities has created an additional challenge.

More than 146,000 searches were conducted on prisoners, prisoner areas, and their cells and property throughout the State's prisons during 2018-19. During these searches, more than 1,300 prohibited items were located.[273]

I understand that the most commonly located contraband is illicit drugs or cigarettes.

It was explained to me that *'...even if prisoners are not drug users, other prisoners will put pressure on them to have their partner etc. bring drugs into the prison.'*[274]

The Department has invested in improvements to infrastructure and technology to tighten access controls over the years. Those controls include gatehouse access protocols, the introduction of 'Ionscan' technology and improvements to surveillance.[275]

The Trainee Correctional Officer course has been updated in respect of potential methods of contraband entry and concealment,[276] and staff are provided with regular protective security briefings alerting them to new and novel methods used.[277]

While these are positive and necessary initiatives, I remain concerned by the apparent prevalence of contraband activity that is observed by staff of the Department, and the low proportion of this activity that is said to be reported.

> 'I remain concerned by the apparent prevalence of contraband activity that is observed by staff of the Department, and the low proportion of this activity that is said to be reported.'

271: EXH 0437, p.2.
272: EXH 0419.
273: EXH 0001.
274: EXH 0391.
275: EXH 0641.
276: EXH 0249.
277: EXH 0391.

OBSERVING AND REPORTING CONTRABAND IN PRISONS

Nearly a quarter of evaluation survey respondents in operational roles said they had witnessed the introduction of contraband (or practices enabling the introduction of contraband) in the past two years (24.0%). Of those respondents, 55.7% said they witnessed the activity either daily, weekly or monthly. However only 41.4% reported their observations.

There is scope to further strengthen controls designed to reduce the incidence of contraband entering a prison. Indeed, a number of staff expressed a desire for greater efforts in this regard:

> 'Increase capabilities with the Intelligence Unit/ OSU to increase screening of prisoners/ contraband entering Correctional Institutions.'

> 'More stringent access control measures. Inclusive of tougher fenceline security to ensure the contraband that is introduced is reduced.'

> 'Improved practices at the Gatehouse of all institutes would assist in the reduction of contraband entering the prisons.'

> 'Increase resources to detection introduction of contraband.'

> 'Frequent commuciations to staff, sound gate control, sound searching of all staff and visitors, robust intel system.'[278]

> 'The Department needs to start dealing with the contraband.'[279]

Contraband located within a prison is to be dealt with in accordance with Standard Operating Procedure 004 'Incident Reporting and Recording', which provides instruction for staff about the reporting, recording, documentation and evidence preservation requirements.[280]

However, I was told of instances where contraband had been located by staff that had not been dealt with in accordance with the procedure.

> 'Information has been passed to management regarding drugs in prison appears to be disregarded.'[281]

> '...have observed individuals discard contraband when locating them.'[282]

> 'I came across some contraband yesterday and followed the chain of command and raised it with one supervisor, they said it's not my job.... then I raised it with a second supervisor, they said it's not my job. I then raised it with a third supervisor who also said it's not my job – but he took it to the manager and basically said 'we don't deal with this.'[283]

278: EXH 0361.
279: EXH 0420.
280: EXH 0034.
281: EXH 0361.
282: EXH 0361.
283: EXH 0421.

REDUCING THE INTRODUCTION OF CONTRABAND

Staff and visitors

I am advised the Department has invested heavily in improvements to access control infrastructure. It has a number of policies and procedures setting out the required process for individuals entering a correctional institution.[284] All individuals must present the necessary identification and be registered and scanned by the Biometric Enrolment System (at sites where this technology is installed). The system involves an iris or fingerprint scan and serves to confirm the identity of those entering and exiting correctional facilities.

Once identified, individuals must undergo a screening process which will include a walk-through or hand-held metal detector, and an x-ray or search of all items brought into a prison. Any items brought in to a facility by staff must be carried in a clear plastic bag.

The extent to which technology is used for access control varies across correctional facilities. Some sites do not have Biometric Enrolment Systems, walk through metal detectors or x-ray machines.[285]

> 'At [ ] it is easy to get things in from either staff, visitors or from the boundary.'[286]

> 'The infrastructure at [ ] is poor. They don't have any biometrics – they don't even have a gatehouse...Biometrics for visitors would be fantastic.'[287]

Visitors must secure any personal belongings in a locker before entering an institution and may be subject to further screening through the use of an Ionscan device,[288] Passive Alert Drug Detection (PADD) dog, limited contact (pat) search or any other screening deemed appropriate by a delegate of the facility.[289]

Ionscan tests can detect microscopic particles of drugs and explosives. A swab is passed over a person's clothing and shoes and placed onto the Iconscan device for scanning. A positive result can constitute a refusal of visits for that day, while a series of positive results or further information such as an indication from a PADD dog may result in the general manager restricting the individual for a longer period of time.[290]

The use of PADD dogs was described to me as a *'key deterrent and detection tool for drugs'* entering prisons.[291] There are currently seven PADD dogs on daily deployment across South Australia's nine prisons.[292]

284: EXH 0021; EXH 0022; EXH 0040; EXH 0305.
285: EXH 0406; EXH 0412; EXH 0423; EXH 0430.
286: EXH 0403.
287: EXH 0430.
288: EXH 0305; EXH 0643.
289: EXH 0305.
290: EXH 0321.
291: EXH 0391.
292: EXH 0391.

I am sure that the presence of PADD dogs at correctional facilities acts as a powerful deterrent for individuals who might be contemplating entering a prison with contraband. I was told that *'people see them and turn away'*,[293] but that visitors *'know how lean we are so they come back the next day knowing that the drug dugs won't be there.'*[294]

> *'At [ ] they don't get the dog squad up. There will be one or two visits per year if they are lucky.'*[295]

> *'Drug dogs come very rarely. But we usually know when they're coming so what's the point.'*[296]

While currently PADD dogs are only used for visitors, recent amendments to the Correctional Services Act will clarify the use of dogs to search staff. In my view that should occur.

It is not clear to me why Ionscan devices are not also used on staff. I would expect that where such access controls are available at a site they should be used on every individual entering the prison environment.

Without effective detection mechanisms for staff entering correctional facilities, there is a significant risk of contraband entering the prison through staff. This is a view shared by many staff:

> *'Existing systems at access points would not currently pick up [ ]. Staff could be bringing this in on their person...the rota turns only pick up metal...it would be possible to get [ ] through. Drug dogs are all trained to pick this up but we don't tend to use dogs for staff.'*[297]

> *'...if someone wanted to bring something in we will never know.'*[298]

> *'It is easy to walk through with drugs. DCS don't have the technology in place to pick up drugs.'*[299]

> *'There also aren't any checks on staff. There is the x-ray machine and the gatehouse, but if I decided to put a kilo of cocaine in my bra it would be easy.'*[300]

> *'It is easy to get contraband into [ ] prison.'*[301]

> *'There is no screening at [ ], you just walk through the front door.'*[302]

> *'...there needs to be stronger searching of officers entering prisons.'*[303]

293: EXH 0391.
294: EXH 0391.
295: EXH 0430.
296: EXH 0424. This was discussed in the context of the potential PADD dog searching of staff.
297: EXH 0405.
298: EXH 0423.
299: EXH 0419.
300: EXH 0424.
301: EXH 0416.
302: EXH 0439.
303: EXH 0434.

'... there needs to be stronger searching of officers entering prisons.'

A former employee explained that he had taken contraband into a correctional facility on more than one occasion. When asked how he physically moved the contraband into the prison, the individual said:

> *'In my pocket. I just walked in, anyone could.'*[304]

Fortifying prisons against contraband requires screening measures to be taken in respect of anyone entering a prison, irrespective of seniority. I appreciate that that can be challenging, especially when screening persons who may be close colleagues or friends.

> *'...the weak point is the x-ray machine. Staff have complete awareness of what is being looked for and often don't have the strength to question or call out other staff.'*[305]

> *'If there is an issue – for example someone brings in a knife, then there is a big argument and the supervisors will usually cave and say 'just don't do it again.'*[306]

> *'People doing the gatehouse are often team mates of the people entering.'*[307]

> *'Mates bypassing mates so they don't have to take their belts and shoes off is not uncommonly seen, especially on the 1ST and second watch.'*[308]

> *'...a lot of staff won't question other staff coming through the biometrics because they're a work colleague or a mate.'*[309]

I also understand, at least in some sites, there is a practice where food and drink is not screened through x-ray machines.[310] While I am told that such screening should occur, it was acknowledged that staff sometimes walk through with food items which are not scanned.[311] Food items or food containers are an obvious mechanism through which contraband can be introduced.

I do not doubt that most officers responsible for access screening do so with all due diligence and attention. But I think there are some who, for various reasons, do not screen staff with the same level of rigour that might be imposed upon a visitor.

Access control is fundamental to safety and good order in the prison environment. Those responsible for screening must discharge their duty with all due care and attention. Any person entering a prison ought to be subject to the same rigorous screening process as is applied to visitors. Correctional officers have a duty to ensure that occurs.

304: EXH 0644.
305: EXH 0407.
306: EXH 0424.
307: EXH 0422.
308: EXH 0350.
309: EXH 0418.
310: EXH 0350.
311: EXH 0441.

Access control training

Some officers believe that training for using x-ray equipment is inadequate:

> 'Staff manning entry point x-ray detection machine will frequently not view the screen at all as the items pass through the detector. I have inadvertently had a mobile phone in the machine on an occasion and it was not detected. Staff also complain they have no skills or training on this equipment and its use.'[312]

> 'They haven't trained the staff to properly operate the equipment.'[313]

> 'Some staff operating the x-ray machine don't know what to look for. They haven't been trained and wouldn't recognise, for example the different colours.'[314]

To the extent that training is lacking, that ought to be corrected.

During the course of the evaluation I heard from several people who suggested that prison gatehouse operations ought to be managed and delivered by non-departmental personnel. Suggestions ranged from privatising those operations to engaging other government resources such as the Police Security Services Branch.

It was suggested that such a move would resolve issues associated with overfamiliarity and an unwillingness to confront work colleagues.

Of course such a move would have significant resource, industrial and financial implications. But I am not convinced that such a change would have a material effect on the risks of overfamiliarity. Staff from any service provider will naturally form associations and relationships with correctional officers over time. I suspect the risks of overfamiliarity are unlikely to be resolved.

In my view the better approach is to ensure staff understand their critical responsibilities in respect of access controls. Adherence to clear and established procedures, which includes robust screening of correctional staff, must be insisted upon through appropriate supervision. A failure to carry out screening activities to an accepted standard ought to be treated as a serious issue and dealt with appropriately.

I recommend that the Chief Executive of the Department for Correctional Services reinforce the need for absolute compliance with access control screening procedures for all persons entering a prison, including staff.

RECOMMENDATION 12

312: EXH 0350.
313: EXH 0424.
314: EXH 0418.

Prisoner mail

The Correctional Services Act provides that mail addressed to a prisoner may be opened and examined by an authorised officer to determine whether, amongst other things, the mail contains prohibited items. Certain mail, including letters from legal practitioners, must not be opened.[315]

Standard Operating Procedure 089 'Prisoner Mail'[316] provides that all incoming mail (except those excluded by the Act) is to be recorded and subject to a screening process prior to being forwarded to the prisoner. Where possible, electronic scanning devices are used to ensure there are no dangerous items concealed within the mail. I was told that the responsibility for scanning mail rests with each prison.[317]

Although not specifically stated within the procedure, I also understand that PADD dogs are sometimes used when searching mail, and that there is communication with the South Australia Police about potential contraband sources, including that which may arrive via mail.[318]

I am told that the detection of contraband via mail increased during periods when prison visits were suspended due to COVID-19.[319]

During the course of the evaluation I became aware of suggestions that attempts to use 'legal mail' to introduce contraband was increasing. By legal mail I refer to mail purportedly sent to a prisoner by his or her lawyer and which is not subject to screening.

315: *Correctional Services Act 1982* s 33. Mail that is not permitted to be opened includes mail sent to a prisoner from the ICAC, OPI, the Ombudsman, a Member of Parliament, a Visiting Tribunal, an inspector or a legal practitioner.
316: EXH 0049.
317: EXH 0436.
318: EXH 0451.
319: EXH 0359; EXH 0391; EXH 0405.

To address this issue, I was informed that the Department is looking to work with the Law Society of South Australia to introduce barcodes to reduce the likelihood of false legal mail being distributed within prisons.[320] I support that initiative.

Included within the amendments to the Correctional Services Act is a requirement that prisoners nominate in writing up to four legal practitioners from whom correspondence will be received. This will presumably allow the Department to confirm the legitimacy of the prisoner's legal practitioner but will not necessarily address the issue of false legal mail being sent under that legal practitioner's name.

In a recent report by the Queensland Crime and Corruption Commission, a recommendation was made to replace physical mail with an electronic mail system, thereby effectively removing an avenue for the introduction of contraband.[321] While there would be financial and practical considerations, I think the transition to electronic prisoner mail is worth further consideration.

I recommend that the Chief Executive of the Department for Correctional Services consider the merits of transitioning to an electronic mail system for prisoner mail.

RECOMMENDATION 13

320: EXH 0359.
321: EXH 0003.

Electronic surveillance

The surveillance systems used within correctional facilities are an important tool for the deterrence and detection of corruption, and assist the Department in providing a safe and secure environment for staff, prisoners and visitors.

Effective electronic surveillance allows the Department to monitor the behaviour and activities of prisoners and staff, and provide objective evidence when incidents occur or are suspected to have occurred. This can include:

▶ attempted prisoner escapes

▶ prisoner interactions, including prisoners considered to be at risk of self-harm

▶ staff behaviours, including the bullying and harassment of other staff or prisoners, or a failure to follow policy

▶ interactions between prisoners and staff, including suspected grooming behaviours, exchanges of contraband or information, or otherwise inappropriate behaviour.

Electronic surveillance also forms an important tool to deter, detect, or provide evidence in relation to allegations of assault, including allegations of excessive use of force used by correctional officers.

It is inevitable in a prison environment that force will need to be used to resolve an incident and to restore peace and good order.[322] If reasonable methods of control are exhausted, the use of force is sometimes necessary to prevent or stop a threat of death, bodily harm, prisoner escape or property damage.[323]

But there is a risk that force will be used in circumstances where it is not necessary, or of using force over and above that which is reasonably necessary.

I am told that excessive use of force is the most common form of allegation investigated by the Department.[324] Similarly, a quarter of matters involving the Department and assessed by the OPI as potential corruption include allegations of excessive use of force.[325] The 2018 survey revealed that nearly one in five Department respondents reported having witnessed physical abuse/assault in the past five years.

322: Section 86 of the *Correctional Services Act 1982* states that an officer or employee of the Department or a police officer employed in a correctional institution may, for the purpose of exercising powers or discharging duties under the Act, use such force against any person as is reasonably necessary in the circumstances of the particular case.
323: EXH 0048.
324: EXH 0359.
325: During the period 2 September 2013 to 31 March 2021, 22.22% of matters involving Department staff and the two private prisons, and assessed as potential corruption involved use of force allegations.

Electronic surveillance can form an important tool to distinguish between reasonable and legitimate use of force incidents from those which include unnecessary or excessive force. This can include providing evidence to support allegations of excessive use of force, and to provide protections for officers if and when false allegations are made.

The Department deploys numerous methods of electronic surveillance within its correctional facilities. Some forms, such as the use of close circuit cameras, are readily known. Others may not be as well-known and I do not intend to identify them here.

I understand all footage relating to use of force incidents or suspected use of excessive force incidents (whether planned or unplanned) are reviewed by the Security and Emergency Management Group.[326]

The placement of cameras is determined through a risk-based hierarchy of need. Cameras are connected to monitoring and/or a detection systems.[327]

The Department requires the regular checking and reporting of electronic security equipment and systems. Prisons are required to produce a monthly compliance report and there is an annual audit of local electronic security systems.[328] Staff with delegated responsibility who are conducting checks must be trained in testing and recording requirements.[329]

EFFECTIVENESS OF CAMERAS

Footage captured by CCTV is particularly important to the investigation of misbehaviour, and management of the good order of the prison. Cameras provide correctional officers with an additional layer of protection against spurious allegations, and can prove essential to the safety of officers when incidents of violence or aggression occur.

But the placement of cameras, and more particularly the absence of coverage of all areas, is problematic. In all prisons there are blind spots where prisoners and correctional officers can interact. Where incidents are alleged to have occurred in an area where there is no coverage, investigations become more difficult. A number of staff commented on CCTV blind spots:

> '...certain areas have blind spot (cameras). Some 20-30 metres where you can't see what's going on. In one case if they just moved the camera up six feet they would fix the blind spots.'[330]

> 'We are investing in technology but you still won't believe some of the CCTV coverage.'[331]

> 'I had an incident that wasn't captured...I have been saying for ages that we need new cameras but nothing has happened.'[332]

326: EXH 0391.
327: EXH 0337.
328: EXH 0411; EXH 0454.
329: EXH 0454.
330: EXH 0422.
331: EXH 0360.
332: EXH 0429.

'Supervisors and officers bringing in cigarettes on a daily basis and smoking whilst on duty in a smoke free prison. There are areas in the prison that those staff know are away from the cameras.'[333]

'If they haven't enough cameras to cover a certain part of the prison then that part of the prison shouldn't open. If they haven't got cameras in a certain area (or audio) then staff know they can push it.'[334]

The risks created by blind spots, especially when they are known to both staff and prisoners, are obvious. Prisoners and staff may exploit those weaknesses. Indeed, one employee relayed to me the practice of staff intentionally 'dropping' verbally abusive prisoners in areas not covered by CCTV.[335] I interpret dropping to mean causing physical harm.

I am told the Department is currently converting its cameras from analogue to digital, which will increase the quality of surveillance. I understand that part of this upgrade will include an assessment of vulnerabilities, including blind spots, as well as the opportunity to incorporate 360 degree footage.[336] I have also been told that the Department is considering the audio and visual recording of prison control rooms so that incidents can be reviewed, including the placement of cameras at the time of incidents.[337]

I support those initiatives.

As one staff member explained to me, *'we work in an environment that is transparent so there should be no fears about cameras being in there.'*[338]

RETENTION OF VIDEO AND AUDIO RECORDINGS

The Department requires video and audio recordings to be kept for a minimum of 28 days.[339]

When there is an incident, all employees who are witness to, are involved in, or become aware of an unreported incident must report the incident by way of an Employee Report. CCTV footage is to be provided by the institution to Head Office, and site management are responsible for ensuring footage is correctly saved.[340]

Where any footage or audio recording is captured as part of an incident, the recording is to be copied and retained as evidence for a minimum period of seven years.[341]

The importance of prompt and accurate incident reporting therefore cannot be understated. As one staff member explained to my team, the retention of CCTV footage relies upon an incident report being made, otherwise the footage is automatically wiped.[342]

333: EXH 0361.
334: EXH 0424.
335: EXH 0361.
336: EXH 0460.
337: EXH 0358; EXH 0460.
338: EXH 0391. This was discussed in the context of cameras and audio surveillance being introduced into control rooms.
339: EXH 0323.
340: EXH 0034.
341: EXH 0323.
342: EXH 0400.

I was told that prisoners have been known to intentionally make complaints after they know video footage has been destroyed.[343] It is the experience of this office that many allegations of impropriety have come to our attention after the 28 day retention period has expired. I am aware that some corruption investigations have been impacted by the unavailability of CCTV footage.

In my view, a 28 day retention period is too short. I think the Department ought to consider extending the retention period to three months. I appreciate that such a change will have technology and financial implications but I think there is good reason to extend the retention beyond the existing four week period.

> I recommend that the Chief Executive of the Department for Correctional Services assess the feasibility of changes to CCTV technology to allow for the retention of footage for at least three months.
>
> **RECOMMENDATION 14**

BODY-WORN CAMERAS

The Department requires that all planned use of force incidents must be recorded, except where this would cause delay in bringing an incident under control, or would cause a serious risk to the prisoner, staff, other persons or property.[344] Any activation of the Emergency Response Group must be recorded using hand-held cameras.[345]

Recording incidents using hand-held cameras presents some challenges, including accessing a camera quickly to respond to an incident, the need for someone to be holding a camera, and the potential for a biased recording of incidents.

A number of staff said that they thought the introduction of body-worn cameras would be of benefit, particularly in the context of the Emergency Response Group.[346] I was told that body-worn cameras have proven to reduce use of force incidents, that the sight of a camera can de-escalate an incident, and that body-worn cameras would provide an additional layer of protection for staff.[347]

343: EXH 0400.
344: EXH 0048.
345: EXH 0391.
346: EXH 0391; EXH 0413; EXH 0432.
347: EXH 0391.

The Ombudsman also wrote to me explaining the benefits of body-worn cameras:

> *'As you would appreciate, my office receives regular complaints by prisoners alleging inappropriate behaviour or misconduct against correctional officers. The Commissioner has sometimes referred allegations of misconduct of correctional officers to me to deal with pursuant to section 24(2)(a) of the ICAC Act. On most occasions it has been difficult to substantiate the allegations due to a lack of corroborating evidence. Often there is little to work with other than the complainant's account of what transpired. Nevertheless to reach a conclusion that the allegation cannot be substantiated can be time consuming and demanding on resources of both my office and the department. I have previously raised with the department's Chief Executive the desirability of correctional officers wearing body cameras so as to assist with these types of investigations. Up to now, the response has been that while the department is open to the idea and is monitoring the practice in interstate jurisdictions, the department does not have the funding for this initiative. I maintain that body cameras worn by correctional officers in the course of performing their custodial duties would be one practice that could help manage the risks associated with their roles. More recently, I have been advised that the department is reconsidering the possibility of body cameras. The evaluation may wish to explore this development with the department.'*[348]

In his 2020 report into issues surrounding the death of an inmate, the Ombudsman recommended that:

▶ the Department *'take steps to implement body-worn cameras within all of its prisons'*; and

▶ the State Government *'consider its allocation of funds to enable implementation of body-worn cameras in all of the State's prisons.'*[349]

In response to the Ombudsman's recent investigation report, the Chief Executive of the Department said:

> *'The Department is supportive of utilising technology to increase safety and security. The government's Better Prisons program has committed $159M to further expand YLP, including the construction of a new admissions area, a new master control room and an across site upgrade of security systems. This capital program is scheduled for completion in 2022.*
>
> *Security system upgrades will see all CCTV upgraded to new high-quality IP cameras, with minimum 30 days recording. The new Admissions area will include in the order of 50 cameras providing 100% coverage to all areas, excluding those specifically requiring privacy i.e. showers/toilets/medical rooms. All holding cells and interview rooms will have camera coverage. There is a mix of high-resolution pan-tilt-zoom and fixed cameras in the new upgrade. The new MCR will adopt the latest in video wall technology to display the new cameras, giving more flexibility to the operators. The Digital Electronic Security System being implemented is a significant enhancement of the current system, which will improve the Department's capability to review critical incidents.'*[350]

348: EXH 0346.
349: EXH 0402, p.85.
350: EXH 0402, p.85.

I understand that in response to the Ombudsman's recommendations, the Department established a working group to scope the deployment of body-worn cameras.[351] I also understand that there is a trial planned for Yatala Labour Prison later this year.

I think there is much to be said about the use of body-worn cameras. The use of body-worn cameras during all prisoner interactions could address many of the risks highlighted in this report. Attempts at grooming, discussions around the introduction of contraband, over familiarity and the formation of improper relationships, could all be captured. So too would circumstances where force is used.

Of course, the use of body-worn cameras would not be the panacea to corruption risks. Motivated individuals would identify new ways to circumvent any controls in place. Nevertheless, the introduction of body-worn cameras would create an additional barrier for those who wish to engage in improper behaviour, while acting as a valuable tool against spurious allegations of impropriety.

The introduction of body-worn cameras would be a significant undertaking. Factors such as cost, resourcing, staff views and any potential negative consequences would need to be considered. But for those reasons I will recommend that the trial planned for Yatala Labour Prison be conducted with a view to assessing the feasibility of the widespread use of body-worn cameras in all prisons.

I recommend that the Chief Executive of the Department for Correctional Services advance the trial planned for Yatala Labour Prison to assess the feasibility of the widespread use of body-worn cameras in all prisons.

RECOMMENDATION 15

351: EXH 0402, p.85.

ADDING AUDIO RECORDING TO EXISTING CCTV

A number of staff suggested the addition of audio recording to existing CCTV.[352]

I was told that audio capabilities would assist with investigations and might serve to deter inappropriate behaviour by both prisoners and staff members.[353] One staff member said that audio recordings would *'actually save the officers* [who may be against introducing audio surveillance] *more often than not.'*[354]

I was also told by a number of staff that audio recordings would assist in deterring a practice that allegedly occurs where staff intentionally aggravate prisoners.

> *'Some officers will turn their backs against the camera and have clearly aggravating conversations without being caught on CCTV.'*[355]

> *'Officers will swear at the prisoners and say 'you're nothing but a fuck head' – stuff like that'... audio would absolutely assist in controlling this behavior ... I'm worried those staff who abuse the prisoners will then cop it later if the prisoner is on meth or something.'*[356]

> *'Officers do try wind them up ... Audio would be fantastic. Angry prisoners pose a risk to other officers. If you wind a prisoner up at the end of the shift the next officer is then at risk.'*[357]

> *'I have also been witness to staff members 'baiting' prisoners to achieve some kind of aggressive reaction to justify using force.'*[358]

While I have no doubt audio would assist with preventing and detecting this practice, in the first instance such behaviour must be addressed by supervisors. Observers should not tolerate such behaviour by their peers and any instances should be reported, investigated and appropriately actioned.

352: EXH 0391; EXH 0400; EXH 0410; EXH 0413; EXH 0424; EXH 0427; EXH 0429.
353: EXH 0400; EXH 0410; EXH 0424; EXH 0427.
354: EXH 0400.
355: EXH 0413. Discussed in the context of audio surveillance.
356: EXH 0424.
357: EXH 0427.
358: EXH 0361.

As one individual told me:

> *'If you put in the foundational things you shouldn't need this layer of surveillance. Instead one should drive respectful interactions and behaviour – this sets the standard.'*[359]

In addition to introducing audio surveillance and recording in prison control rooms, I understand the Department is considering introducing audio capabilities to its incident command centre as well as the retention of prisoner intercom audio.[360]

In circumstances where I have encouraged the Department to consider the widespread use of body-worn cameras, I do not intend to make a recommendation in respect of audio recording within prisons. Body-worn cameras have the ability to capture both audio and video. If body-worn cameras are not to be widely used, the Department ought to consider expanding its audio recording capability throughout its prisons.

RECENT OR INTENDED IMPROVEMENTS TO SURVEILLANCE

Notwithstanding my observations in this chapter, I acknowledge the continued efforts by the Department to improve the quality and coverage of surveillance across its correctional facilities.

I have no doubt that these upgrades will assist the Department in deterring and detecting corruption, misconduct and maladministration.

'I acknowledge the continued efforts by the Department to improve the quality and coverage of surveillance across its correctional facilities.'

359: EXH 0440. Discussed in the context of audio surveillance.
360: EXH 0460.

CHAPTER NINE
REPORTING CULTURE

Chapter Nine:
Reporting Culture

Earlier in this report I discussed my observations of the Department's workplace culture. In particular, I noted that there is a widespread desire amongst staff for poor behaviour to be addressed. It is of course a matter for the Department's executive and senior managers to ensure that poor performance or wrongdoing is managed appropriately. However, it is also incumbent on staff to report such conduct when it is observed.

I understand that some staff are reluctant to report wrongdoing, and that this can be for a variety of reasons.

The Department sets out its expectations of employee reporting responsibilities in the 'Employee Conduct Policy', and the 'Employee Misconduct Guideline'.[361] I understand the Guideline is to be rescinded and replaced with an Employee Misconduct Procedure which has remained in draft throughout the duration of this evaluation.[362] The documents refer to the reporting obligations for public sector employees pursuant to the *Code of Ethics for the South Australian Public Sector*, and the Directions and Guidelines issued by the ICAC.

The Code of Ethics states that:

> *'Public sector employees will report to an appropriate authority workplace behaviour that a reasonable person would suspect violates any law, is a danger to public health or safety or to the environment, or amounts to misconduct.'*[363]

Employees must also comply with their obligations to *'report to the Office for Public Integrity any matter that is reasonably suspected of involving corruption, or serious or systemic misconduct or maladministration.'*[364]

I was pleased to see that the majority of staff (89.9%) who responded to the evaluation survey indicated that they were aware of what to do if they identified corruption, misconduct or maladministration.

However, it seems that this awareness does not always translate into a willingness to report. While just over half of respondents (52.7%) said they would report corruption to someone within their organisation, only a quarter (25.3%) actually reported the conduct they had witnessed. Operations managers/supervisors were most likely to report (38.3%), followed by corporate staff (26.0%), with operations officers the least likely to report (19.6%).

361: EXH 0081; EXH 0264.
362: EXH 0270.
363: EXH 0459.
364: EXH 0264.

TABLE EIGHT:
RESPONDENTS PROVIDED A NUMBER OF REASONS FOR NOT REPORTING INTERNALLY[365]

	% OF RESPONDENTS
Management will not take action	75.5
Affect job	65.9
Don't trust the Department	62.2
Affect relationships	34.1
No evidence	24.9
Been discouraged	24.1
Other	12.4
Not serious enough	8.0
Don't want to get people in trouble	7.2

It was explained to me that some staff are concerned about the potential repercussions of reporting colleagues,[366] that the 'blue-shirt code' can discourage reporting,[367] and that for some staff there is the view that despite reports being made, that inappropriate behaviour is not adequately addressed.[368]

The perceived consequences of reporting

It appears that some staff are unwilling to report wrongdoing as they fear for their employment and their prospects of future career advancement. Almost two-thirds (65.9%) of evaluation survey respondents indicated that they would not report as it may affect their employment.

I was also told that staff are concerned about being the subject of personal retribution, including bullying and harassment, if they make a report:[369]

> 'People are not confident to report bad behavior or bullying, because the will be penalized for it.'

> 'Staff feeling unsafe and vulnerable if they speak up about inappropriate behaviour; for a number of reasons. Number one I have heard from prison officers involves the repercussions that can occur to them if they speak up - the bullying (verbal and in some cases physical); unsafe work practices (ie not coming to their aid if there is an incident with a prisoner).'

> 'I have tried but have suffered for it on each occasion.'

> 'I would be heavily micromanaged and bullied within the workplace that would make me need to find a new job.'

> 'I've become a target after reporting in the past.'

365: More than one answer could be selected.
366: EXH 0275; EXH 0361; EXH 0404; EXH 0428; EXH 0429.
367: EXH 0359; EXH 0361; EXH 0391; EXH 0393; EXH 0399; EXH 0403; EXH 0407; EXH 0415.
368: EXH 0188; EXH 0361; EXH 0403; EXH 0421; EXH 0423; EXH 0424; EXH 0427; EXH 0429; EXH 0430; EXH 0434.
369: EXH 0275; EXH 0361; EXH 0400; EXH 0429; EXH 0432.

'There are processes/policies in place however staff need to believe they are supported by those 'in power' and there will be no repercussions on the person reporting the situation.'[370]

'Sometimes the backlash can be worse than the conduct you're reporting.'[371]

If it is the case that employees who report wrongdoing are finding themselves the target of retaliation, it is not surprising that they might choose to remain silent in the future. It is also likely to discourage others if they are to observe their colleagues face repercussions as a consequence of reporting.

While some staff told me that the *'blue-shirt code is now slowly fading,'*[372] in terms of how much influence this bears on attitudes toward reporting, it was explained to me that it is still a factor, and that *'it depends on very brave people stepping up.'*[373]

'In the custodial environment there is a bit of an attitude of blue-shirts looking after blue-shirts.'[374]

I was pleased to hear from some staff that the reporting culture is improving,[375] however I am concerned that there is still some reluctance to report wrongdoing when it is observed:

'Staff want to see those people caught but they don't want to be the ones that report them... but you are no better than the person bringing in the contraband if you don't do anything.'[376]

'Staff want to see those people caught but they don't want to be the ones that report them... but you are no better than the person bringing in the contraband if you don't do anything.'

370: EXH 0361.
371: EXH 0428.
372: EXH 0411.
373: EXH 0415.
374: EXH 0399.
375: EXH 0403; EXH 0409; EXH 0415.
376: EXH 0403.

Confidence in the process

Three-quarters (75.5%) of respondents to the evaluation survey indicated that the main reason for not reporting was because management would not take action.[377]

I was provided with numerous examples where staff had reported matters and they felt the matter was either not addressed adequately, or not addressed at all. A senior manager explained to me that while staff are now more aware of their obligation to report, the commonly held view is *'why should we bother when nothing is ever done?'*[378]

It is important that staff are confident that the Department will take the appropriate action in respect of a report. They must also have confidence in the processes that are available to them to make a report. Staff must be confident that reports can be made confidentially, will be dealt with impartially, and will effect change where necessary.

There are two documents that provide guidance to staff for reporting matters. The 'Employee Complaints Resolution Process' details the steps for staff to report improper or inappropriate conduct that has the potential to harm, such as discrimination, harassment or inappropriate behaviour.[379]

The 'Employee Misconduct Guideline' requires employees to make a report via a referral notice that will be referred to the Complaints Assessment Panel for assessing where the matter should be most appropriately investigated (where required).[380]

I was provided with a copy of the draft Employee Misconduct Procedure that is set to replace this current Guideline. Importantly, the draft procedure provides examples of what might constitute misconduct and inappropriate behaviour that must be reported.

Misconduct can include:

▶ failure to disclose a conflict of interest

▶ unauthorised access to JIS or other confidential information

▶ falsifying timesheets

▶ blatant disregard for Departmental policies, procedures and guidelines

▶ committing a criminal offence.[381]

> 'Staff must be confident that reports can be made confidentially, will be dealt with impartially, and will effect change where necessary.'

377: More than one reason could be selected.
378: EXH 0404.
379: EXH 0059.
380: EXH 0081.
381: EXH 0270.

'Having multiple options available to employees to report is important if it is to be encouraged.'

Unsatisfactory performance can include:

- ▶ poor attendance

- ▶ poor work outcomes

- ▶ minor instances of failing to comply with directions

- ▶ inappropriate workplace behaviours.[382]

If an employee *'is witness to, or forms a reasonable suspicion of such behaviour'* they must report it to their supervisor/manager, the OCSR, the Chief Executive, or through an anonymous online referral notice. Staff may also make a Public Interest Disclosure or report it to the OPI.[383]

Having multiple options available to employees to report is important if it is to be encouraged. That is because there will be occasions where an employee may not be comfortable making a report to his or her manager.

382: EXH 0270.
383: EXH 0270.
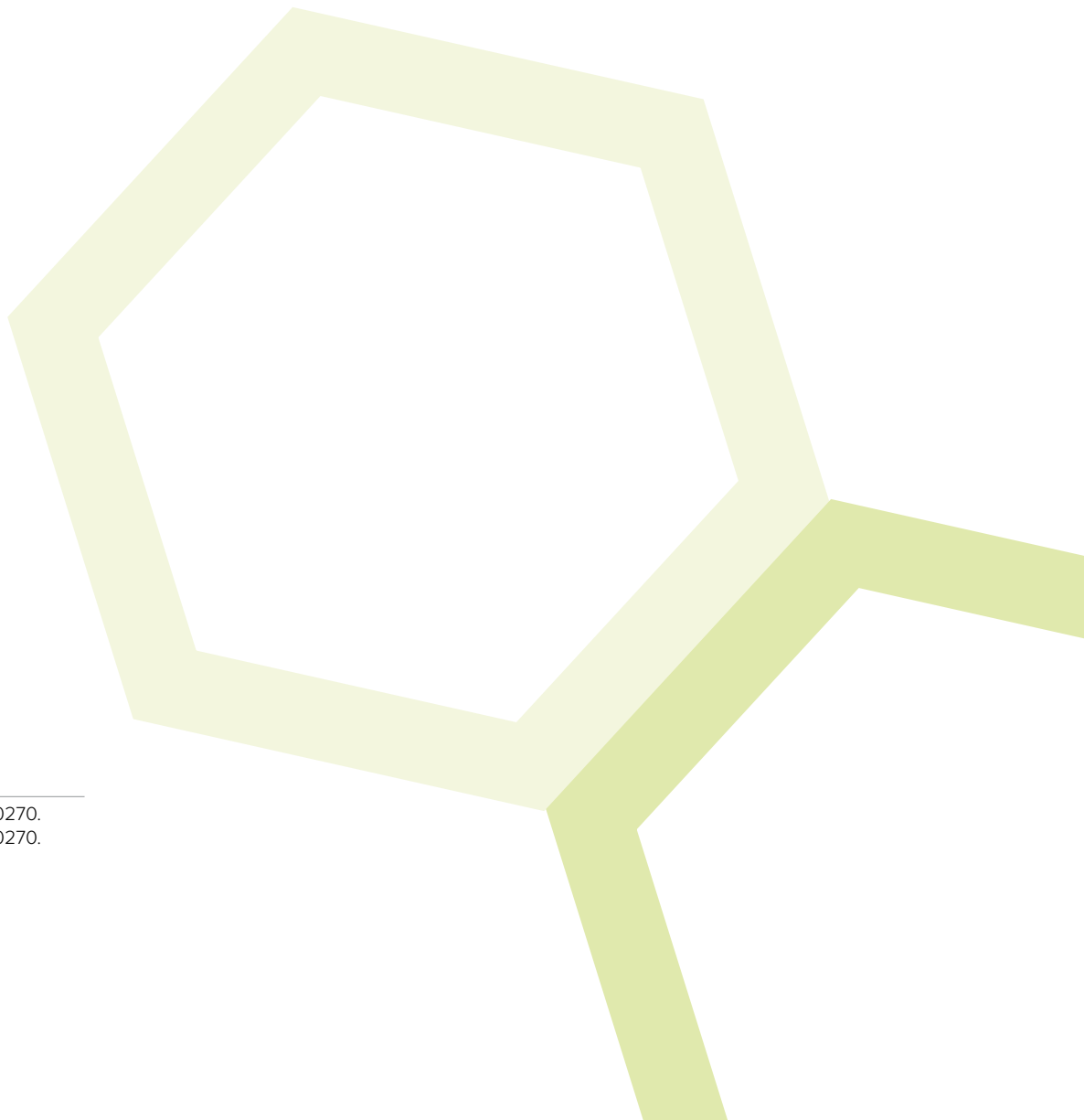
IMPARTIALITY

The Employee Complaints Resolution Process outlines a process for escalating reports of improper conduct, including where an employee can bypass certain steps if his or her manager is the subject of the complaint.[384]

An employee might also be reluctant to report a matter to his or her manager due to existing relationships that exist between the manager and the subject employee:

> *'There are a lot of big family and friend groups, particularly in country sites... you can be reporting to someone whose best friend is the subject* [of the complaint]*.'*[385]

> *'...can't trust anyone- because small town. Don't know who is related or connected with who.'*[386]

> *'when I've mentioned certain things to management, I have been told 'You're wrong' because management were friend with the officer in question. I would not trust any manager now to report anything due to this.'*[387]

It seems that the draft Employee Misconduct Procedure would offer a number of options that are available to staff for reporting inappropriate conduct that does not rely on a report being made to an employee's manager. However, it may be that some staff would be more likely to make a report if they could access impartial assistance to support them in navigating the process at an early stage.

Staff members who have particular training in respect of reporting processes and who could act as an independent contact person to assist an employee to navigate reporting mechanisms might go some way to empowering officers to report wrongdoing.

I recommend that the Chief Executive of the Department for Correctional Services consider implementing a system where workplace 'contact officers' are embedded across all parts of the organisation.

RECOMMENDATION 16

384: EXH 0059.
385: EXH 0415.
386: EXH 0419.
387: EXH 0361.

Contact officers should be trained to provide information and advice to employees who are considering reporting a matter (whether that be related to discrimination, harassment, misconduct or unsatisfactory performance etc.). These contact officers would provide confidential support and advice to an employee on the process, and his or her options for dealing with a matter. They would not investigate a matter or advocate for the complainant/reporter.

The issue of existing relationships giving rise to a conflict can also occur for matters that are referred to sites for investigation by the Department's Complaints Assessment Panel. As explained in the Performance Management chapter of this report, when matters are managed locally there is the potential for a conflict of interest when those involved are known to each other.[388]

Staff should be confident that the employees who are receiving information and investigating matters are impartial.

> I recommend that the Chief Executive of the Department for Correctional Services ensure that where matters are referred to sites for investigation, steps are taken to identify and manage any perceived or actual conflicts of interest that may compromise the impartiality or perceived impartiality of the investigation.
>
> **RECOMMENDATION 17**

This may include providing the complainant/reporter with the opportunity to identity such conflicts before the matter is referred.

'Staff should be confident that the employees who are receiving information and investigating matters are impartial.'

388: EXH 0415.

CONFIDENTIALITY

Staff should also be confident that employees who are receiving information and investigating matters are treating the information confidentially.

I received information during the evaluation to suggest that this is not always the case:

> 'Was vilfied and bullied when I did report corruption, What was reported to DCS as confidential was passed on with my name and the full transcript to the perpertrator.'

> 'Staff fear reporting to their Manager due to the consequences and there not being confidentiality - gossip amongst the more senior staff.'

> 'Staff do not have the ability to talk or communicate these issues without fear of it being publicized or used for retaliation down the road.'

> 'The barriers are nil-confidentiality in my and some others opinion. If you talk to your manager or supervisor about issues it should be confidential between you and them.'

> '...lack of confidentiality. Reports become the gossip.'

> 'Putting in a written report or submitting applications for anything is not treated as confidential information and supported by the appropriate processes. The personal ramafications for this do not promote particiaption of reporting by DCS staff. This does not support confidence in leadership.'

> 'Need to offer Staff assurances of confidentiality if they are intending to file a complaint against another employee.'[389]

While I do appreciate that for some matters it may be possible for the identity of the reporter to be established as a consequence of the particulars of the report, what is not clear to me is why information that is reported through the appropriate channels might become workplace gossip. Information, including the identity of a reporter, ought to be maintained in confidence, subject of course to the obligations contained in relevant legislation, public sector guidelines and procedural fairness obligations.

This will almost certainly act as a deterrent for reporting, particularly in an environment where staff are already concerned about the impact that making a report might have on their jobs, or their personal wellbeing.

389: EXH 0361.

SUPPORT FOR STAFF MAKING A REPORT

I also heard from staff that they wanted to see more support for employees that report, and better outcomes as a result of reporting inappropriate behaviour.

> *'More support for those who may report. Managers provided with support in managing bad or poor behaviour. Better sanctions put in place for bad behaviours.'*

> *'Follow through better with complaints. take them seriously and do something about them.'*

> *'Make it easier and encourage staff to report without feeling intimidated.'*

> *'Support for whistleblowers throughout the department. In all areas.'*

> *'Im not sure with the current management team here in place at the moment how well I would be supported if I was to make a complaint.'*[390]

> *'The complaints process doesn't protect complainants; you feel worthless and that there is no point complaining because nothing gets done; you learn to shut up or leave.'*[391]

The Department ought to consider training for those employees who might receive reports from staff so as to ensure they are clear about their responsibilities. This should be both in respect of supporting the employee making the report, and ensuring the matter is appropriately managed.

If employees are confident that a report will be treated objectively and in confidence, and that they will be supported throughout the process, they may be more likely to call out poor behaviour.

For their effort to be worthwhile, they must also see that behaviours change as a result.

As a senior manager explained to me:

> *'We need to be validating the concerns of staff when they are raised...we need to make them feel like they have been heard. If there is a lack of action staff lose their faith in management and this results in people not bothering to report.'*[392]

390: EXH 0361.
391: EXH 0421.
392: EXH 0403.

CHAPTER TEN
RECRUITMENT

Chapter Ten: Recruitment

Recruiting the right people to any organisation is essential. Those charged with this responsibility must be alive to the risks of selecting unsuitable individuals. Underperforming or unsuitable staff not only present a service delivery and financial risk to the organisation, but can also impact negatively on workplace culture and amplify the risks of impropriety.

Effort must be directed toward attracting and recruiting individuals with suitable skills and attributes. The process of recruiting and selecting employees must be fair and transparent, both for employees new to the organisation, and for existing employees applying for new roles. When such processes are ineffective, or are not executed with care or without bias, this can be to the detriment of an organisation's ability to effectively perform its functions, and the trust that employees have in its capacity to do so.

Attracting the right people

While the recruitment of suitable employees is important for all roles across the Department, this chapter will primarily focus on the recruitment of individuals who will have contact with prisoners, in particular those working in prisons.

The Department describes the role of correctional officer as *'unique and challenging'* and explains to potential candidates that *'we are looking for the people that not only cope with difficult scenarios but act in a positive, constructive manner.'*[393] Based on my own observations throughout this evaluation, I agree.

There is no doubt that these roles comprise a diverse set of functions and call upon a range of skills and personal attributes for their successful execution. Correctional officers are integral to the day-to-day supervision of prisoners and will often find themselves managing difficult situations, sometimes amid violent and threatening behaviour.

The Department sets out the key attributes for correctional officers as being self-assured, confident, and able to communicate on any level. It says, as *'a Correctional Officer you'll be a role model and mentor to prisoner*[s] *– helping to develop appropriate behaviour and support the rehabilitation efforts of each prisoner.'*[394]

393: EXH 0458.
394: EXH 0458.

'... attracting the right people is essential to guarding the integrity of an institution.'

As I have already mentioned, in recent years there has been a deliberate move toward emphasising the role played by correctional officers in the rehabilitation of prisoners. The Department has recruited staff with more varied backgrounds, including the recruitment of those with social work and similar experience. This is said to have improved diversity in the workforce and to reinforce the ethos that 'every interaction matters', that is – every interaction an employee has with a prisoner will have an impact on their efforts to rehabilitate.[395]

It is said that this approach is working to professionalise the workforce.[396] Indeed, the approach was supported by many officers spoken to during the evaluation.[397] Others were concerned that roles were being occupied by individuals without custodial experience, and who did not adequately understand the environment or the risks.[398]

It is not for me to opine on the required skills and experience of recruits. That is a matter for the Department. But having a clear understanding of the agreed skills and attributes is necessary to ensure a successful recruitment.

I was told that it is hard to attract good staff and that the role performed by correctional officers can be seen as mundane and repetitive.[399] Such perceptions no doubt are a source of frustration for officers who are working diligently to fulfil their responsibilities and have a positive impact on prisoners.[400]

As a senior member of staff put it to me, *'when advertising the roles, they should be pitched as having more of a rehabilitation focus rather than just being a key turner.'*[401]

In this respect I was interested to observe that the Department has outlined the *'Benefits of Being a Correctional Officer'* to include public sector employment conditions, career opportunities, up to six weeks annual leave, and access to penalty and overtime payments. Listed in the 'Correctional Officers Information Sheet',[402] these benefits precede any mention of prospective applicants being able to *'make a difference'* or to *'support the 10 by 20 policy.'*[403]

As I have said, attracting the right people is essential to guarding the integrity of an institution. The challenging and rewarding aspects of the role ought to be highlighted, together with the Department's behavioural and ethical expectations.

395: EXH 0362.
396: EXH 0363.
397: EXH 0344; EXH 0359; EXH 0362; EXH 0363.
398: EXH 0361; EXH 0424; EXH 0426.
399: EXH 0359.
400: EXH 0416; EXH 0418.
401: EXH 0359.
402: EXH 0456.
403: EXH 0628. Referring to the *10 by 20: Reducing reoffending – 10% by 2020 Strategic Policy Panel Report*.

The recruitment process

Around 60% of operational staff who responded to the evaluation survey indicated they had seen improper recruitment practices occur.

The Department's Workforce Planning and Development Section has overall responsibility for recruitment and selection processes.[404] I understand that a 2017 report by external consultants engaged by the Department to undertake a review of Trainee Correctional Officer recruitment made 37 recommendations, 34 of which were accepted by the Department. I am advised that those recommendations were implemented as part of the trainee correctional officer recruitment in May 2021.[405]

Great care must be taken during recruitment, particularly for those who will have direct contact with prisoners, where employees are more likely to be vulnerable to corruption risks. A recent Independent Broad-based Anti-corruption Commission (Victoria) report entitled *Corruption Risks Associated with the Corrections Sector* highlighted the importance of vetting employees at both the application stage and through periodic follow up:

> *'Vetting employees when they are recruited can identify risk factors that might make potential employees vulnerable to targeting by prisoners, allowing the most appropriate applicants to be selected or risk mitigation strategies to be put in place.'*[406]

I agree with those observations.

As explained elsewhere in this report, instances of corruption such as contraband entering prisons and the inappropriate access to and disclosure of information, are often the result of improper relationships forming between staff and prisoners.

It is therefore crucial that prospective employees are adequately screened and assessed through a robust recruitment process to identify potential vulnerabilities to such corruption risks.

The Department does not presently have an overarching policy or procedure in respect of recruitment. I understand that some guidance is provided via Executive Instructions in relation to the due diligence that should be undertaken for candidates and for selection panel reports,[407] but that much of the Department's approach to recruitment relies upon guidelines issued by the Commissioner for Public Sector Employment.[408]

A lack of clear standards directly applicable to corrections leaves room for varied interpretations of recruitment requirements, priorities and expectations of the process, and what constitutes a suitable applicant. It also leaves opportunities for inconsistent or incorrect decision-making processes, panel bias, inadequate assessment of integrity check outcomes, and less rigour in due diligence checks. These increase the risk of recruiting unsuitable applicants into a role.

404: EXH 0149; EXH 0390.
405: EXH 0648.
406: EXH 0484, p.20.
407: EXH 0087; EXH 0110.
408: EXH 0110; EXH 0271.

The absence of such a policy and the risks associated with this was bought to the Department's attention in a previous review of Trainee Correctional Officers recruitment practices.[409] The Chief Executive of the Department acknowledged these risks still existed in a meeting with me on 16 February 2021 and committed to rectifying the lack of policy and procedures for recruitment practices.[410]

Trainee Correctional Officer applicants have available to them a great deal of information about pre-requisites, screening tests and medical and fitness requirements. This information can be found on the Department's website.

What is not clear to me is where staff involved in recruitment activities can find the guidance they need to ensure a robust and fair process.

Two Chief Executive Instructions provide some guidance in respect of the recruitment process. The first, 'Recruitment Due Diligence' requires that where staff are involved in *'exercising a decision to engage people to vacancies'* they must ensure that prescribed due diligence obligations are met and that the process is conducted in accordance with the Premier's Direction on Recruitment and the Commissioner for Public Sector Employment's 'Guideline on Recruitment'.[411]

The Instruction, issued in February 2020, also points to a number of templates relevant to selection reports and Job and Person Specifications.

The prescribed due diligence checks include the completion of an 'Employment Declaration Form', verification of work history, qualifications and referees, detailed police and security checks as well as checks relating to eligibility for re-employment with the public sector, and for former employees of the Department. No offers of employment are to be made until these checks are completed. If a candidate returns screening results which requires more thorough consideration, the decision making process is escalated to an appropriate delegate.

An earlier Instruction issued in November 2018 entitled 'Recruitment and the Eligibility for Re-Employment Register' outlines that the chairperson of any selection panel is responsible for undertaking due diligence checks on recommended applicants.[412] Some guidance on selection panels is provided in a Staff Selection Report Template.[413]

While the Instructions are very clear as to tasks, they do not provide any overarching guidance on how to undertake the process.

In the absence of an overarching policy and associated procedures, it is likely that inconsistencies in the methods and processes adopted by staff will develop. I was provided with information during the course of this evaluation suggesting that correct recruitment processes are not always followed,[414] and that at times the process is not transparent, sometimes enabling those involved to inappropriately influence the outcome.[415]

This can have serious consequences in working environments such as prisons.

409: EXH 0564, p.24.
410: EXH 0461.
411: EXH 0110.
412: EXH 0087.
413: EXH 0092.
414: EXH 0235; EXH 0361; EXH 0390.
415: EXH 0235; EXH 0361; EXH 0411; EXH 0420.

If employees are insufficiently screened for criminal associations or prior misconduct, there is obviously a greater risk that these individuals could be targeted by prisoners for favours and influence.

A clear recruitment policy should outline the end to end recruitment process, including identifying the appropriate persons to take part in a recruitment panel, checking mechanisms to avoid conflicts and reduce perceived biases, minimum requirements in respect of documenting each stage of a process, as well as the channels for support and guidance as necessary. Such a policy should operate hand-in-hand with more detailed procedures which identify particular pre-requisites and screening processes relevant to the role to be filled.

I recommend that the Chief Executive of the Department for Correctional Services develop a recruitment policy setting out the expectations with respect to recruitment activities conducted within the Department.

RECOMMENDATION 18

TRAINING FOR STAFF INVOLVED IN RECRUITMENT PROCESSES

A senior member of staff said the idea that nepotism and favouritism exists in recruitment practices is a misapprehension by Department employees, and that staff *'don't know or understand the process.'*[416]

It may well be that many staff do not have an understanding of the process. The development of an overarching recruitment policy should assist in rectifying any misunderstanding.

It is particularly important that staff who will bear the responsibility for participating in recruitment panels have a clear understanding of the standards and processes to be applied.

Taking part in a recruitment is an onerous task. Those who sit on recruitment panels should be committed to ensuring recruitment processes are conducted with integrity. Effective training in this regard is essential.

416: EXH 0390.

CHAPTER ELEVEN
TRAINING

Chapter Eleven: Training

More generally, an appropriately trained workforce is particularly important in correctional institutions. Training is essential to support the maintenance of a safe environment and reduce risks of corruption.

The Department's 'Training and Development Policy' and associated guidelines set out the framework for managing training and development of its employees, with a focus on ensuring the *'maintenance of a skilled, safe and professional workforce.'*[417]

All new staff must receive both corporate and local site induction.[418] The Corporate Induction Program includes information about the Department as well as a Code of Ethics Awareness program and work, health and safety training.[419] A Workplace Induction provides information on the local work environment, corporate policies, procedures and guidelines, and local procedures and work practices.[420]

Information I received during the course of the evaluation suggests the induction process was adequate. But I am concerned at the rate of completion. Only 18% of new non-custodial staff had completed corporate and local site inductions as at February 2020.[421] If this low uptake is reflected across the broader workforce that represents significant risks, including integrity risks.

Trainee correctional officers must complete 14 weeks classroom based training and on the job work experience. This is followed by a 12 month probationary period where they will work toward a Certificate III in Correctional Practice.[422]

Once qualified, there are a number of mandatory training requirements that must be completed on a periodic basis. Mandatory training includes Values, Ethical and Respectful Behaviours, the Code of Ethics, cross cultural awareness, first aid, and work, health and safety.[423]

In December 2019, three-quarters of the Department's employees were current with Code of Ethics Training, but only 46% had completed Values, Ethics and Respectful Behaviours training in the previous three years.[424]

In recent years the Department has directed effort toward improving the content and delivery of training and development.

A 2018 review of the Correctional Officers Training program recommended that sessions either be introduced or expanded across topics such as grooming and manipulation, report writing, Aboriginal cultural awareness and mental health disorders.[425]

In 2019 an external review of the Department's broader training and development function made a number of recommendations, including the restructure of the

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417: EXH 0030.
418: EXH 0063; EXH 0197.
419: EXH 0199; EXH 0063.
420: EXH 0064.
421: EXH 0200.
422: EXH 0643.
423: EXH 0591.
424: EXH 0203.
425: EXH 0248.

Workforce Planning and Development Unit.[426] Subsequently, the 'Learning Academy' was established as the central body responsible for leading the Department's training and development efforts, and together with a Departmental steering committee,[427] is charged with implementing the accepted recommendations of the review.[428]

One such recommendation was the introduction of a new Learning Management System that can be utilised for the delivery of online learning and the capture of data for reporting to managers. I understand this initiative is underway and that it will provide greater accountability and transparency in respect of the completion of training.[429]

The review also highlighted that *'some staff refuse training with little consequence.'*[430] That observation is consistent with information obtained during this evaluation. I will address this issue later.

Improvements to training and development

There are a number of opportunities for the Department to further improve its training and development program.

LEADERSHIP AND MANAGEMENT SKILLS

Many staff indicated to me that there is a need for improved leadership training for individuals in management roles.[431] I was told that *'managers need to have the skills to deal with difficult staff, to have the skills to intervene in difficult situations, and have difficult conversations with staff.'*[432]

This view is supported by a number of responses to the evaluation survey, where staff conveyed to me that they would like to see managers trained in how to deal with staff conflict, particularly the management of bullying and harassment.[433]

Managers and supervisors must be equipped to manage improper conduct of staff. If improper behaviour is left unmanaged it will almost certainly impact heavily on workplace culture.

Effective leaders are a vital tool in the early prevention of inappropriate conduct. As an employee put it to me, the Department must *'ensure people who are appointed to high positions are suitably trained to manage the position, and provide the correct support and guidance to staff below them.'*[434]

Managers must be alive to the early signs that an employee might be vulnerable to engaging in inappropriate conduct, or developing an inappropriate relationship with a prisoner. Managers must know how to manage such situations and take the necessary steps to address concerns.

426: EXH 0250.
427: EXH 0130.
428: EXH 0435.
429: EXH 0250, p.12; EXH 0435.
430: EXH 0250, p.9.
431: EXH 0361; EXH 0390; EXH 0426; EXH 0433.
432: EXH 0393.
433: EXH 0361.
434: EXH 0361.

'It is unclear to me why training in respect of grooming is not included in the ongoing mandatory training requirements for all staff in prisoner facing roles.'

GROOMING

While some staff told me that they thought the initial grooming and manipulation training they received was inadequate,[435] I acknowledge that this topic has been expanded upon as a result of the 2018 Correctional Officers Training review.

However, I am concerned to learn that grooming and manipulation is not covered as part of ongoing mandatory training for correctional officers.[436]

It is unclear to me why training in respect of grooming is not included in the ongoing mandatory training requirements for all staff in prisoner facing roles.

It seems that the majority of staff have an understanding of the concept of grooming[437] but what is absolutely necessary is for staff to recognise the signs of grooming attempts and to be able to take appropriate action. Like any behavioural skill, it ought to be regularly reinforced.

That view is supported by staff:

> 'More comprehensive and regular training for officers in identifying grooming behaviours.'[438]

> 'Regular training, particularly with regard to being groomed by offenders.'[439]

I have already made a recommendation in this regard.

More generally I was informed by a number of staff that ongoing training could be improved:

> 'Mandatory refresher training of Public Sector Code of Ethics.'

> 'Retraining to standards that we were initially expected to comply with.'

> 'Quality ongoing training…. re-train those who require it.'[440]

Ongoing periodic training serves to not only reinforce the standards outlined during initial training, but to ensure staff can keep up-to-date with contemporary approaches relevant to their role and changes to processes.

I encourage the Learning Academy and the Staff Training and Development Steering Committee to review the extent of ongoing training available to employees.

435: EXH 0419; EXH 0427.
436: EXH 0460.
437: EXH 0359; EXH 0361; EXH 0367; EXH 0414; EXH 0416; EXH 0417; EXH 0418; EXH 0419; EXH 0426; EXH 0427.
438: EXH 0361.
439: EXH 0361.
440: EXH 0361.

Low rates of attendance at mandatory training

While I am sure many staff value ongoing training, it appears that low rates of completion of mandatory training in prisons is an issue.[441]

Departmental figures indicate that as at March 2020, just over half of correctional officers had not completed training in Values, Ethical and Respectful Behaviours. For the same period, 70.5% of staff at Port Augusta prison had not yet completed mandatory Aboriginal Cultural Awareness training.[442]

As one officer put it:

> *'There are 55-60 people of Aboriginal background at Port Augusta, but there is only one day of cultural training. This is to be completed every three years but some people haven't even done that. They don't do their Performance Development Plans so their training is never reviewed…The risks of not having that training can be as extreme as a death in custody.'*[443]

I was told that there is a sentiment among some staff that *'if I don't do the training we can say we're not trained, therefore we're not accountable.'*[444]

While I acknowledge that the Department is said to be working on improving completion rates for mandatory training,[445] I received feedback during the evaluation that suggests one of the key drivers for low attendance is a lack of consequence.[446]

The notion that there will be no consequence for not completing mandatory training is a theme that unfortunately seems to also be a driver of other behaviours discussed elsewhere in this report, including the performance development process.

'I was told that there is a sentiment among some staff that *'if I don't do the training we can say we're not trained, therefore we're not accountable.''*

441: EXH 0250; EXH 0404; EXH 0435.
442: EXH 0581.
443: EXH 0433.
444: EXH 0390; EXH 0435.
445: EXH 0435.
446: EXH 0361; EXH 0367; EXH 0436.

Staff told me that:

> *'There's no consequence for not attending training or performance reviews. Supervisors and managers help people get out of training. Staff use sick days to get out of training.'*[447]

> *'There are people who will blow off training but will then take an extra shift that day. It is almost like they are being rewarded for not attending the training by getting paid extra money for the shift they are taking instead.'*[448]

> *'In SAPOL if you are not up-to-date with your training you are chained to a desk or you have to go home. That doesn't happen here.'*[449]

I understand that often the monitoring of compliance with mandatory training will fall to general managers rather than supervisors:

> *'Some supervisors don't see their role as being responsible for ensuring the people that report to them are undertaking their training so this falls to general managers, which in some cases can have 200 people reporting to them. It is unrealistic to think that general managers can keep on top of this.'*[450]

It is not clear to me why some supervisors may not be ensuring their staff are up-to-date with mandatory training requirements. I would expect this to form part of the performance development process.

447: EXH 0367.
448: EXH 0435.
449: EXH 0435.
450: EXH 0435.

ADDRESSING NON-ATTENDANCE

Training is made mandatory for a reason. That reason must be that the training is deemed essential to ensure the recipient can perform his or her role safely, effectively and with integrity. It follows that a failure to participate in mandatory training may affect the employee's capacity to perform his or her role to the standard expected. Where a large proportion of staff have not completed mandatory training, it is inevitable that standards will fall.

Failure to participate in mandatory training must be addressed. To do otherwise places staff, prisoners and the public at risk. As some staff told me:

> *'If someone isn't competent it puts everyone else at risk.'*[451]

> *'Corrections 101 skills are missing' i.e. handcuff, searching. It doesn't get addressed because when there are no issues its ok, but it is a risk. Safety helps everyone.'*[452]

> *'If you don't do the training then there can be disciplinary action but this is a long process. There is a risk of not being fit for your role. [ ] staff are not up to date with training - it is a risk.'*[453]

While the risk of corruption can be reduced through the effective training and development of its employees, it must be understood that providing quality staff training on its own should not be relied upon to manage these risks:

> *'...it is people's attitude that is hard to change. I have seen staff attend VERB training, walk out and disregard what they have heard. I have challenged this behaviour and been advised 'it is the way of the work group.''*[454]

451: EXH 0428.
452: EXH 0420.
453: EXH 0404.
454: EXH 0361.

Workplace culture will be influenced by not just the effectiveness of training, but also the way in which poor performance and inappropriate conduct is managed, and the consequences that are in place for not meeting expected standards.

It is not enough to provide quality training on its own. The standards that staff are trained to meet must be re-enforced by managers. As it was put to me:

'Training isn't the be all and end all. There also needs to be accountability of managers and supervisors.'[455]

I am pleased that the new Learning Management System will enable greater visibility for both employees and managers to monitor training requirements for themselves and for their staff though improved access to information.[456] With this in place I would expect that supervisors will be better equipped to proactively monitor the completion of mandatory training. Accordingly I do not propose to make a recommendation on the topic.

'It is not enough to provide quality training on its own. The standards that staff are trained to meet must be re-enforced by managers.'

455: EXH 0367.
456: EXH 0435.

CHAPTER TWELVE
PERFORMANCE MANAGEMENT

Chapter Twelve:
Performance Management

The value of effective performance management[457] for any organisation lies in its ability to create a culture of accountability and set clear expectations for its staff. Without accountability, the risk of corruption, misconduct or maladministration is heightened.

The performance of employees ought to be monitored by managers on an ongoing basis and through regular formal reviews. Such monitoring not only serves to ensure the expectations of the role itself are being met, but also that the values of the organisation are being upheld and its rules are being followed.

Conduct that steps outside of such expectations must be addressed.

The Public Sector Act requires that each public sector agency *'establish and administer effective performance management and development systems in respect of the employees of the agency.'*[458]

While the Department does not presently have a policy or procedure in respect of performance management and development, the instruction to undertake this function is provided for in related policies and documents.

The 'Employee Conduct Policy' notes that *'performance management and development is undertaken by the Department to ensure the effective management of employee performance and conduct.'*[459] Performance management and development is also referred to as one of the strategies to form part of the Department's integrity framework under the 'Anti-Corruption and Integrity Policy'.[460]

The 'Training and Development Policy' sets out responsibilities in respect of the Department's formal review process known as the 'Performance Development Plan' (PDP)[461] where executive directors, senior managers and line managers are responsible for ensuring all employees have a PDP. The responsibility to *'implement effective performance management and development review systems'* is reiterated in Job and Person Specifications (JPS) for prison general managers.[462]

The JPS for supervisors outlines their responsibility to undertake the performance development process for correctional officers, and to recommend training needs.[463] Guidance for managers as to the performance development process is provided by way of a flow chart[464] and templates for recording performance development discussions.[465]

457: Performance management means the day to day, formal and informal processes for ensuring staff perform their duties to a desirable and expected standard.
458: *Public Sector Act 2009* s 8(1).
459: EXH 0264.
460: EXH 0268.
461: EXH 0030.
462: EXH 0167; EXH 0175; EXH 0181.
463: EXH 0163.
464: EXH 0055.
465: EXH 0041; EXH 0047.

The JPS for correctional officers notes that officers are accountable for *'participating in the Performance Management Program where required, and contributing to its success.'*[466] I am not clear as to why an officer might not be required to participate in the performance development process. I would expect this to be mandatory.

What is clear to me is that the responsibility to conduct the formal performance development process currently rests with those responsible for managing staff, and that the directive for staff to participate is insufficient.

This may go some way to explain the low rates of staff participating in the performance development process across some parts of the Department.

Participation in performance development plans

One of the key performance indicators under the Better Prisons initiative is to ensure more than 90% of staff have completed PDPs.[467] For all prison sites, achieving this target will require a considerable improvement on current figures. While Port Lincoln Prison and Mobilong have the highest rates of staff with completed PDPs in place, around 70% of staff have not had recent formal performance discussions with their manager. Indeed, I am aware that some staff have never had a formal performance discussion.[468]

I was surprised to see that rates of completion are as low as they are at Yatala, Port Augusta Prison and the Pre-release Centre. For there to be more than 90% of staff at a site that have not engaged in a formal performance development process demonstrates that it may not be understood as an expectation of the Department, or that it is not seen to be important. It may be both. There may also be a level of complacency due to the lack of consequences for failing to complete the process.

TABLE NINE:
COMPLETION RATES OF PERFORMANCE DEVELOPMENT PLANS IN PRISONS AS AT 31 MARCH 2020[469]

PRISON	% OF STAFF WITH PERFORMANCE DEVELOPMENT PLAN
Adelaide Pre-release Centre	4.5
Adelaide Women's Prison	15.1
Cadell Training Centre	25.3
Mobilong Prison	29.5
Port Augusta Prison	7.1
Port Lincoln Prison	30.0
Yatala Labour Prison	9.5

466: EXH 0159.
467: EXH 0100. The Plan must be completed every six months for each employee.
468: EXH 0361; EXH 0443.
469: EXH 0443.

While I am told that in some parts of the Department, more than three-quarters of staff would have current PDPs in place,[470] it is the extremely low rates of completion in prisons that is concerning.

This cannot possibly engender a culture of accountability.

It was explained to my team and me that there are a number of reasons for the low rate of participation in the performance development process. One view was that some staff do not see the value in the process except where there might be the opportunity for career progression.[471] I am told it is a requirement that correctional officers have an up-to-date PDP to advance into more senior roles.[472] The PDP process was described as a 'tick and flick' exercise by some staff with little regard given to what was included in the plan because any areas for improvement that are identified are rarely followed up.[473]

There may be some environmental challenges precipitated by the 24/7 rostering environment and the need to allocate staff to supervisors who are in a position to participate in performance development discussions. Nevertheless it is important for the Department to develop the appropriate strategies to ensure performance development processes are undertaken.

I understand that the overarching PDP process is managed by the Learning Academy. Its role is to educate individuals as to how to participate in the process as well as to report to business units on who is up-to-date with their PDP.[474]

If this information is being provided to managers, it is not clear to me why individuals are not being held to account when PDPs are not completed. It was widely acknowledged by staff that it is expected that all employees will undertake a PDP, and that the processes to do so are in place. However, this does not appear to always translate into an acceptable proportion of individuals participating in the process.[475]

As a staff member put it, *'the system is there but if people don't follow it there are no consequences.'*[476]

'... the system is there but if people don't follow it there are no consequences.'

470: EXH 0414; EXH 0434.
471: EXH 0360; EXH 0390; EXH 0404; EXH 0406; EXH 0415; EXH 0417; EXH 0423; EXH 0429; EXH 0432; EXH 0435.
472: EXH 0360.
473: EXH 0404; EXH 0406; EXH 0414; EXH 0418; EXH 0421; EXH 0423; EXH 0432.
474: EXH 0435.
475: EXH 0360; EXH 0367; EXH 0403; EXH 0406; EXH 0416; EXH 0423; EXH 0432; EXH 0439.
476: EXH 0415.

ROLE OF SUPERVISORS

While the ultimate responsibility for ensuring correctional officers have up-to-date PDPs rests with prison general managers, supervisors are responsible for conducting the majority of PDPs in prisons.[477] Indeed, this important function is detailed several times throughout the supervisor JPS. Not only does the JPS set out that supervisors are responsible for undertaking the performance development process for correctional officers, but that:

> *'the incumbent plays a vital role in assisting management with performance development of custodial staff....by ensuring that staff are supported and developed in performing their roles in accordance with legislation and Departmental policies.'*[478]

It is clear to me that the Department expects supervisors to conduct the performance development process for correctional officers. But I am told that that expectation has not always been there.

Historically supervisors did not have any human resource responsibilities.[479] Several years ago the role changed and some responsibilities moved from managers to supervisors, including responsibility for conducting PDPs.[480] It may be that some supervisors still do not see this as part of their role.[481]

A senior staff member told me that *'despite all of the training, all of the encouragement, they think it is not their role. They are reluctant to take on new responsibilities.'*[482] And that *'some have accepted the change better than others.'*[483]

Reluctant or not, supervisors must understand that conducting the performance development process for correctional officers is part of their role.

I am told there is also some reticence by some supervisors to have performance conversations with staff, particularly if they are difficult conversations.[484] One supervisor told my team that he had not received any training in how to conduct PDPs or to have difficult conversations with staff.[485]

If this is the case, it is no surprise that some supervisors might avoid the task.

One factor that is said to cause difficulty for some prison staff in respect of the performance development process is the rotation of supervisors across shifts. Correctional officers can find themselves reporting to multiple supervisors,[486] and supervisors may oversee different officers every day.[487] It was explained to me that *'there are different cohorts of staff that a supervisor will look after each day, but they will be assigned the same person for their six-monthly performance plans.'*[488]

477: EXH 0404; EXH 0407; EXH 0410; EXH 0427.
478: EXH 0163.
479: EXH 0409; EXH 0428.
480: EXH 0407; EXH 0409; EXH 0428.
481: EXH 0360; EXH 0409.
482: EXH 0409.
483: EXH 0428.
484: EXH 0360; EXH 0363.
485: EXH 0417.
486: EXH 0363; EXH 0367; EXH 0409; EXH 0417; EXH 0432.
487: EXH 0417.
488: EXH 0404.

While this was raised as a potential challenge to the successful execution of the PDP process,[489] there is also the view that this is used as an excuse. Senior staff members told me that there is adequate interaction between supervisors and correctional officers to enable PDPs to be undertaken meaningfully.[490]

> *'Supervisors develop a rapport with staff regardless of the rotating. You watch them, you get to know their personality and can tell if they are competent or not.'*[491]

> *'Supervisors who do their jobs well, do the PDPs, they encourage staff....and get on with the job.'*[492]

It is important that supervisors recognise the integral role they play in the performance review and development of correctional officers, and that they are supported through training and advice by the Department in the execution of this function.

I recommend that the Chief Executive of the Department for Correctional Services ensure managers and supervisors receive training in respect of conducting Performance Development Plans and having difficult conversations with staff about poor performance.

RECOMMENDATION 19

It is of course equally important that correctional officers participate in the process. It was pointed out to me that while some supervisors excel in conducting PDPs, it can be challenging as some staff do not cooperate, some are not interested and will therefore not engage in the process, while others simply *'ignore their supervisor'*.[493]

This is unacceptable.

I recommend that the Chief Executive of the Department for Correctional Services circulate information to staff reminding them of their obligation to participate in Performance Development Plans.

RECOMMENDATION 20

489: EXH 0432.
490: EXH 0409.
491: EXH 0417.
492: EXH 0409.
493: EXH 0413; EXH 0415.

Management of poor behaviour

The formal performance development process is a valuable tool for the regular review of past performance and the setting of future development goals.

But it should not be the sole means to address poor performance or poor behaviour.

My team and I received a very clear message from staff that the process for addressing poor performance and behaviour needs to improve, particularly within prisons. There is a firmly held view by many staff that individuals are not being held to account and that there are few or no consequences for behaviour that does not meet expectations.[494] Staff explained to my team that while there are policies and SOPs in place, adherence to these '*will always come down to an individual's behaviour, it will come down to how they are disciplined*' and that '*there are no consequences for bad behaviour, so it is like it is permitted.*'[495]

When poor behaviour or a failure to adhere to required standards of behaviour go unchecked, attitudes amongst staff will change. An apparent lack of consequence for poor behaviour can have a significant negative impact on workplace culture, resulting in lower rates of reporting and a general decline in standards.

Perceptions of poor accountability were described to me by a number of staff:

> '*Some correctional officers are focused on finding problems and stopping drugs …there are also those that are seen to be relaxed about doing very little and getting away with it. It is an attitude of 'I didn't do anything yesterday so why would I today?' - how do they get away with it?*'[496]

> '*After the 12 months of training and probation it is very difficult to lose your job, it is very rare for an officer to be dismissed. There is no fear of it, people aren't held to account through the performance processes…. staff think they are bullet proof. If they saw people lose their jobs they might change.*'[497]

> '*…people think they can't be sacked because you work in government.*'[498]

> '*You just can't get sacked.*'[499]

'There is a firmly held view by many staff that individuals are not being held to account and that there are few or no consequences for behaviour that does not meet expectations.'

494: EXH 0344; EXH 0395; EXH 0406; EXH 0416; EXH 0417; EXH 0418; EXH 0419; EXH 0420; EXH 0421;
    EXH 0422; EXH 0432; EXH 0433.
495: EXH 0396; EXH 0421.
496: EXH 0401.
497: EXH 0403.
498: EXH 0424.
499: EXH 0424.

My team and I were provided with numerous examples of underperformance and poor conduct, including:

▶ inappropriate emails being sent to all staff

▶ unmet timeframes for prisoner case reviews

▶ poor case notes with insufficient detail to enable decision-making in relation to prisoner management

▶ refusal to undertake routine tasks

▶ excessive use of sick leave and inaccurate timesheet records

▶ incidents of staff abusing and assaulting their colleagues.[500]

In respect of allegations of abuse and assault, I was told that in some cases the victim was transferred to an alternate site and that the alleged perpetrators' employment remained unchanged.[501] There may well have been a thorough investigation undertaken by the Department but the perception remains that there were no consequences for this unacceptable behaviour.

I am told that in respect of case notes, *'some officers will just make up a case note, even if they haven't seen a prisoner, to meet their quota'.*[502] In terms of fulfilling duties, I was told *'If you don't want to do it, you don't have to…some staff don't do cell searches if they don't want to. Some supervisors will make people do the work, others won't.'*[503]

In that light I was not surprised to hear that *'it means that the good officers start asking themselves 'why am I doing the hard yards when we get paid the same?' …great officers doing great work start to lose their faith.'*[504]

I understand that efforts are in place to improve accountability. For example, I am told that staff can be removed from call-back lists preventing access to overtime if performance is below standard.[505] One member of staff suggested that for instances of refusing to undertake tasks, *'this should be documented…it should be a formal warning…you should have to show cause for continued employment…there should also be opportunities for re-training.'*[506]

It is clear to me that some staff are frustrated at seeing poor behaviour go unmanaged.

500: EXH 0405; EXH 0416; EXH 0418; EXH 0423; EXH 0424; EXH 0426; EXH 0433; EXH 0434.
501: EXH 0424; EXH 0433.
502: EXH 0424.
503: EXH 0422.
504: EXH 0426.
505: EXH 0410; EXH 0442. 28 DCS employees were on formal management plans as at November 2020. The most common reason was 'leave management'.
506: EXH 0426.

Avenues available to staff to raise concerns about performance or conduct include the complaints process described earlier in this report. Staff can make anonymous reports to the Complaints Assessment Panel which will triage and assess complaints and make a recommendation to the Chief Executive as to how the complaint should be managed.[507] It may be that the OCSR undertakes an investigation, or that the matter is referred back to the site's management to investigate. I understand that when matters are referred to sites, OCSR investigators will oversee the investigation and support managers to work through the process of handling the complaint. Reports about the progress of investigations are also provided to the Chief Executive.[508]

I was told of some concerns staff have about some matters that are referred back to sites for investigation. I understand that there is some inconsistency in the manner in which matters are dealt with locally, and that over-familiarity may be a barrier to effective and impartial investigations. It follows that great care must be taken by those tasked with an investigation to ensure the investigation is, and is seen to be, fair, impartial and objective.

'... great care must be taken by those tasked with an investigation to ensure the investigation is, and is seen to be, fair, impartial and objective.'

507: EXH 0359.

508: EXH 0259 (the complaint may also be referred to external agencies such as the Office for Public Integrity or the South Australia Police where appropriate).

Barriers to addressing poor performance

There was a common view from managers we spoke to that dealing with poor performance or conduct of staff can be a difficult and lengthy process.[509] Indeed, this was a source of frustration for many:

> '...rules and employment conditions mean it is almost impossible to get rid of people. If the public realised these people can't be sacked there would be an outcry.'[510]

> 'DCS employees are employed under the Public Sector Act, with the same regime and ability (or lack of) to terminate employment if there is misconduct.'[511]

> 'DCS struggles at times with some of the disciplinary practices and thresholds around questionable individuals.'[512]

> 'If we were a private enterprise there would be people here that wouldn't be working here …. but we are hamstrung by the Public Sector Act in terms of what we can and can't do to manage them out.'[513]

> 'In the private sector – if you saw improper conduct you could make a decision to dismiss, but in government it is so difficult and can take years.'[514]

I was told that some staff will rail against attempts to address unsatisfactory performance by seeking outside support or claiming that they are being bullied. I am told that on occasions where staff are faced with allegations of unsatisfactory performance some might take a leave of absence citing stress.[515]

Staff provided me with varied views about union representatives. I have explained elsewhere in this report that the Department's workforce has a strong union presence. Some staff said they thought the unions protect underperforming staff or those suspected of misconduct.[516]

> 'The PSA[517] was set up to help those treated badly and now it is defending those who treat others badly.'[518]

I was also told that:

> 'The union doesn't assist with running the institution effectively. If someone doesn't like someone else somehow it becomes an industrial issue…if we don't compromise on things we end up in the Commission.[519] This undermines managers in prisons.'[520]

509: EXH 0343; EXH 0344; EXH 0359; EXH 0360; EXH 0396; EXH 0401; EXH 0405; EXH 0410; EXH 0414; EXH 0415.
510: EXH 0343.
511: EXH 0344.
512: EXH 0360.
513: EXH 0396.
514: EXH 0405.
515: EXH 0344; EXH 0359; EXH 0390; EXH 0401; EXH 0419; EXH 0421; EXH 0426.
516: EXH 0343; EXH 0344; EXH 0361; EXH 0419.
517: Public Service Association of South Australia.
518: EXH 0344.
519: Referring to the South Australian Employment Tribunal.
520: EXH 0401.

Other staff spoke of the progress that has been made over the past few years to a point where the union and the Department have together been able to manage matters of misconduct in a supportive and constructive manner.[521]

I am pleased to hear that the working relationship between the Department and the union is said to have improved over recent years. I hope that continues.

Mechanisms to address unsatisfactory performance and misconduct

The Correctional Services Act does not address matters of disciplinary action or termination of employees. Rather the Public Sector Act provides that a public sector agency may reprimand, suspend or terminate the employment of an employee on the grounds of the employee's misconduct.[522] Public sector agencies may also terminate the employment of an employee on the grounds of *'the employee's unsatisfactory performance of his or her duties.'*[523]

Recent amendments to the Correctional Services Act will introduce a 'loss of confidence' provision. That provision will empower the Chief Executive to immediately remove an officer or employee of the Department[524] from a correctional institution, and assign them to other duties if the Chief Executive does not have confidence in the individual's *'integrity, honesty or conduct.'*[525]

The overarching legislative framework is in place to enable the Department to address unsatisfactory performance or misconduct in its employees. Guidelines issued by the Commissioner for Public Sector Employment also outline the manner in which the Department must address such issues. The Department must ensure that it has systems, processes and support for managers across the Department to manage individuals whose performance or behaviour falls below expected standards.

I recommend that the Chief Executive of the Department for Correctional Services develop a performance management policy and procedure that outlines performance management responsibilities and processes.

RECOMMENDATION 21

I recommend that the Chief Executive of the Department for Correctional Services clarify the role of supervisors in relation to performance management and Performance Development Plans.

RECOMMENDATION 22

521: EXH 0356; EXH 0360; EXH 0405.
522: *Public Sector Act 2009* s 55 1(a) 1(b), s 54 1(d).
523: *Public Sector Act 2009* s 54 1(c).
524: Whose usual duties involve working in a correctional institution.
525: *Correctional Services (Accountability and Other Measures) Amendment Act 2021* s 77S.

Support for managers to manage performance

It was explained to my team that *'there have been many years of tolerating behaviours and not having systems suitable to manage people'*,[526] and that while the culture of addressing poor behaviour has improved, ingrained behaviours of some staff is difficult to manage.

Staff told my team that:

> *'There is not enough support for managers for conflict resolution, and to reprimand people is hard. Managers need to be able to stand their ground and say 'no – this is what needs to happen.'*[527]

> *'...as managers they have no real teeth. Their staff will say to them 'well what are you going to do about it?''*[528]

> *'We need to be able to be more responsive, more decisive and be frank with people.'*[529]

I was told that managers need to seek the approval of their general manager should they wish to speak to a staff member about their conduct,[530] and that *'general managers have no delegation to stand a person down, only an executive director.'*[531] Staff told my team that they would like to see managers have the ability to send people home, to discipline staff and to put them on notice that their behaviour is being monitored.[532]

> *'Managers should be able to give a first warning...a second warning...or they* [underperforming staff] *should get a drop in their pay increment or something that will make them realise that there are consequences for things.'*[533]

A manager told me that *'I would like Departmental written guidance for management issues - for example leave management; performance management of staff in a framework and an escalation process.'*[534]

It is not clear to me why individuals who are managing staff might not have the mechanisms available to them to satisfactorily manage day-to-day misbehaviour. Indeed, I have been advised by the Department that general managers are empowered to direct a person to remain absent from the workplace due to misbehaviour.[535] Nevertheless, attention should be paid to concerns held by some that support to manage poor behaviour is not always available.

526: EXH 0415.
527: EXH 0421.
528: EXH 0415.
529: EXH 0405.
530: EXH 0423.
531: EXH 0413.
532: EXH 0415.
533: EXH 0421.
534: EXH 0361.
535: EXH 0648.

'... attention should be paid to concerns
held by some that support to manage
poor behaviour is not always available.'

While I understand that training and support for managers does occur, there is the view among staff that some managers do not have the skills for *'intervention conversations'* with individuals. *'A manager needs to have the skills to intervene.'*[536]

Beyond training and support to develop this expertise, there are some other practical ways in which the Department can better support its managers.

PERFORMANCE HISTORY

I understand that correctional officers can apply for a transfer to another prison. For some, this will be for the purposes of career development or promotional opportunities. In some circumstances, this may be to defuse difficult situations. I am told that while there might be a central source of information on an officer's work history, this is not available to local managers.[537]

> *'What staff have done in the past is not considered – our performance isn't tracked so you can't look at the history of someone.'*[538]

> *'There should be information on staff that moves from site to site that managers can access.'*[539]

It is entirely reasonable for managers to be privy to information in respect of an officer's previous work history. This information ought to be made available to managers if officers are moving to new work sites. This information ought to include occasions of underperformance, or indeed, exemplary performance that may give rise to opportunities for further training or advancement.

It is not appropriate that managers must rely on informal networks for this information.[540] If managers have an understanding of the prior history of an officer, this can assist them to better manage and support that officer.

I recommend that the Chief Executive of the Department for Correctional Services provide managers with access to a central information system combining information about the work history and performance of his or her staff.

RECOMMENDATION 23

536: EXH 0393.
537: EXH 0415; EXH 0426.
538: EXH 0426.
539: EXH 0415.
540: EXH 0429.

SYSTEMS AND INFORMATION

I have heard from a number of managers that it can be difficult to provide evidence of inappropriate behaviours. In particular, it can be both difficult and time-consuming if there are large numbers of individuals partaking in the conduct.[541]

I have explained elsewhere in this report the prevalence of sick leave among some correctional officers. It is clear to me that many managers are keen to address this issue, but to do so effectively would require information that is difficult to access. There is a need for greater transparency around sick leave processes and a system that can easily provide a trackable official record of absence.[542] The 'Roster Modernisation Project' may achieve this outcome. I will address sick leave in the next section.

More generally, when managers have ready access to information to support them to manage conduct or performance, this can only serve to improve integrity.

541: EXH 0423.
542: EXH 0441.

Chapter Thirteen:
Sick Leave and Rosters

The taking of unscheduled leave appears to be quite common amongst correctional officers. Most prevalent is the use of sick leave. It is suggested that within some cohorts there is a 'book-off' culture where officers will take sick leave to enable colleagues to access overtime.[543]

I understand this is a long-standing and apparently well-known practice.

A senior member of staff told me that unscheduled leave *'affects everything and everybody. There are days where we can't unlock.'*[544]

The Department recorded 12.8 average sick leave days per full time equivalent employee in 2019-20. This was the second highest across all South Australian public sector agencies.[545]

Of correctional officers, the highest rates of sick leave taken can be seen among the correctional officer C02 cohort, where the average was nearly 27 days for 2018-19. Almost six days of this total was unpaid sick leave.[546]

I was told there are some particularly high users of sick leave, with examples of some staff having taken more than 90 days of sick leave in a year.[547]

Access to sick leave is of course an essential feature of employment and I have no doubt that most individuals use it only where there is a genuine need. However, high levels of absenteeism can be an indicator of other issues including low job satisfaction, problems or poor morale.

Some staff told my team that the high use of sick leave was a result of low morale,[548] *'people abuse sick leave because the morale is so low.'*[549]

I am told another motivation for using sick leave might be for financial benefit:

> *'Absolutely a culture that encourages sick leave. There are no issues taking a sickie as it will benefit someone else.'*[550]

> *'Sick leave is prevalent. They will get call-backs and double shifts so why wouldn't they take it? It's a core group of people. It's like they have it all worked out.'*[551]

543: EXH 0361; EXH 0403; EXH 0423; EXH 0424.
544: EXH 0405.
545: EXH 0189.
546: EXH 0554.
547: EXH 0361; EXH 0417.
548: EXH 0407; EXH 0417; EXH 0418.
549: EXH 0418.
550: EXH 0407.
551: EXH 0424.

Sick leave and overtime

High levels of unscheduled leave will have a significant impact on the day-to-day operations of a correctional institution. Each shift requires a full complement of staff assigned to each of the necessary functions that allows a prison to operate effectively, and for prisoners to undertake their usual daily routines.

Additional staff are rostered over and above the minimum that is required to operate the core functions of a prison.[552] Referred to as 'spares', these staff must be first called upon to fill unscheduled absences before other employees are brought in on overtime.[553]

It is through the access to overtime that correctional officers can significantly increase their base salary.[554]

If a proportion of staff on each shift are to regularly take sick leave it is likely that spares will often be fully utilised. *'This causes a lot of overtime which people like. However, from a work, health and safety issue, people are doing 5 or 6 double shifts in a row.'*[555]

It was explained to me that for some officers there is a deliberate practice of calling in sick on the days when they are rostered to work, only to later take on overtime where they are paid at a higher rate.

> *'They use up their sick days and then take leave without pay. They then do a double shift the following week. This is a work, health and safety issue but also means they spend more time with prisoners and are more vulnerable to corruption.'*[556]

> *'Staff take lots of sick leave unnecessarily then do lots of overtime hours.'*[557]

> *'The reality is I could work 2 days a week and have 5 days leave without pay and still get 75% of my salary.'*[558]

I am concerned about the prevalence of sick leave usage among some correctional officers. There are clearly fiscal, safety and integrity implications for the Department.

552: EXH 0086.
553: EXH 0404; EXH 0543; EXH 0544; EXH 0546; EXH 0547; EXH 0548; EXH 0552.
554: EXH 0367.
555: EXH 0418.
556: EXH 0367.
557: EXH 0361.
558: EXH 0417.

Managing high levels of sick leave and overtime

Many senior executives I spoke with were aware of the practice of using sick leave to enable access to overtime, and while noting that it was difficult to prove,[559] explained to me that effort was being directed to manage it.

Management, at least at some sites, are trying to educate staff that taking excess sick leave results in additional work for their peers.[560] Managers are raising the issue with individuals and putting some staff on performance management plans. I am told that in some cases sick leave is reducing, but that while things might improve for a while, the pattern will re-emerge.[561]

I was told that:

> *'If this is not being addressed it can be frustrating.'*[562]

> *'[It] causes animosity amongst staff.'*[563]

> *'People think if the Department doesn't care, I don't care.'*[564]

> *'There is a culture of 'what are they going to do? – they can't sack me.'*[565]

There is a view amongst staff that not enough is being done by the Department to deal with excessive sick leave.[566]

Many staff said that they want to see this behaviour dealt with.[567]

The Commissioner for Public Sector Employment has issued a number of Determinations under the Public Sector Act. Determination 3.1 'Employment Conditions – Hours of Work, Overtime and Leave' sets out the range of leave provisions for public sector employees and the circumstances in which they can be accessed.[568]

559: EXH 0404; EXH 0405; EXH 0407.
560: EXH 0410.
561: EXH 0410; EXH 0423.
562: EXH 0405.
563: EXH 0417.
564: EXH 0419.
565: EXH 0410.
566: EXH 0361; EXH 0417; EXH 0419.
567: EXH 0361; EXH 0417; EXH 0419.
568: EXH 0635.

To some extent the Department provides further guidance to staff on its expectations around leave through various Executive Instructions in respect of sick leave,[569] flexitime,[570] overtime and time off in lieu.[571] In terms of sick leave, the Commissioner's Determination provides that if individuals are absent for a continuous period of more than three working days, the employee must provide a medical certificate or other approved certification.[572] It also provides that a chief executive, agency head or delegate may require an employee to produce such a certificate for periods less than three days in appropriate circumstances.[573]

I was advised by the Department that where necessary there may be a direction issued to employees to provide a medical (or other approved) certificate for each unplanned absence.[574] Other strategies to manage the use of sick leave includes limiting access to overtime for staff that are on performance management plans.[575]

The Department currently has 28 employees on performance management plans, with the most common reason being leave management.[576]

A senior member of staff told me that typically staff who are being performance managed due to high rates of sick leave are *'shocked at how much time they've taken off...they are oblivious to how much time they have taken off because they can do call backs and pick up that money elsewhere they would never notice a change in pay...but if they are on a management plan you can be taken off call backs. They now acknowledge the time they are taking off.'*[577]

Port Augusta Prison is the only prison where officers who are subject to a current performance management plan will not be eligible for overtime or call backs on their rostered days off.[578]

At Mobilong prison *'staff who have booked off sick immediately prior to a period of rostered days off will not be eligible to make themselves available for a call back/ overtime until they have advised their manager they are fit to return to duty.'*[579]

It may be that there is scope to further enhance the Department's policy position in respect of accessing overtime more broadly. It would be beneficial to develop an overarching policy that sets out the circumstances in which staff may be precluded from accessing overtime.

569: EXH 0101.
570: EXH 0112.
571: EXH 0111.
572: EXH 0635, p.9.
573: EXH 0635, p.10.
574: EXH 0559.
575: A plan developed as a consequence of deemed unsatisfactory performance.
576: EXH 0596.
577: EXH 0410.
578: EXH 0410; EXH 0543; EXH 0544; EXH 0546; EXH 0547; EXH 0551; EXH 0552. Excluding privately operated prisons.
579: EXH 0546.

Such a policy ought to set out the steps to be taken once high levels of unexplained sick leave are identified. This would not only provide the appropriate clarity to staff, but also offer managers a firm policy position from which they can monitor the behaviour of individuals, and implement the defined actions to address it. Moreover, directly addressing excessive unplanned leave may support the identification of employees who could be experiencing personal challenges that might require enhanced support, including mental health issues, being the target of bullying or grooming, or otherwise experiencing personal difficulties.

I recommend that the Chief Executive of the Department for Correctional Services develop a policy outlining the circumstances where staff may be ineligible for overtime.

RECOMMENDATION 24

Initiatives to improve rostering

The Department has taken a number of steps to improve rostering processes, including the development of minimum guidelines for rostering, the development of business rules for the management of rostering, and performance indicators relating to attendance and roster management.

It is hoped that the 'Workforce Flexibility and Roster Modernisation Project' will assist in managing the disruption that can be caused by high levels of unscheduled leave.

I understand that rosters are currently developed manually. This of course presents a significant administrative burden, but can also leave the process open to manipulation, favouritism, poor workforce planning, and increased work, health, and safety risks.

Staff told me that:

> *'Rosters are very much a manual process. The Department has not invested in it and it is a huge transactional process.'*[580]

> *'Correctional officers have control of rostering. They are determining when they want to work...it is not organised in terms of what the business needs.'*[581]

> *'Policies aren't followed. Work, health and safety isn't pushed. Some officers have only five hours off between shifts – and they live an hour away.'*[582]

It was suggested to me that the information recorded on staff timesheets is not always accurate.[583]

> *'Staff lie on timesheets on a regular basis. Misuse of sick leave and flexi time occurs regularly... it has been raised but nothing ever happens.'*[584]

There was also the view that there was the potential for an employee to develop a relationship with the staff responsible for rostering, so as to influence work scheduling in their favour.

580: EXH 0390.
581: EXH 0390.
582: EXH 0418.
583: EXH 0361; EXH 0390.
584: EXH 0361.

I am pleased to hear that the Roster Modernisation Project is underway with the procurement of new software that will fully integrate systems including rostering and staff time and attendance.[585]

The new system is scheduled to be implemented during 2021 and will support the Department in managing unplanned absences and to appropriately deploy resources.[586] I understand it is intended that the system will increase the visibility of requests from staff to work shifts in particular areas, the level of overtime worked and amount of sick leave taken. This information will help managers identify patterns of behaviour that may be of concern and warrant further action[587] thereby better enabling the Department to monitor corruption risks.

While the introduction of a new IT solution/system has many benefits, without a significant cultural change in day-to-day practices, the system cannot be relied on alone to resolve the issues raised in this chapter.

585: EXH 0553.
586: EXH 0553.
587: EXH 0461.

CHAPTER FOURTEEN
CONCLUSION

Chapter Fourteen: Conclusion

Having completed this evaluation two things are clear. First, the majority of correctional staff are committed, hard-working individuals who take pride in the role they play in public administration. Secondly, working in a custodial environment is enormously complex and challenging. Regrettably, the actions of staff within correctional environments are rarely the subject of positive public attention. Attention tends to be limited to adverse incidents. That is unfortunate. The public should be rightly proud of the important role played by the many dedicated public officers in the Department.

Nevertheless, the Department faces some challenges and there are opportunities for improvement.

I hope that the observations and recommendations I have made in this report will assist the Department to further advance its efforts to ensure a workplace environment that is free from corruption, misconduct and maladministration. In light of my interactions with Department executives and staff, I believe there is a genuine desire to improve and I am optimistic that my recommendations will be appropriately actioned.

I again express my appreciation to the Chief Executive, his executive team and the many staff who made such valuable contributions to this evaluation.

APPENDICES

Appendices

Appendix 1:
Public Statement – 3 February 2020

**EVALUATION OF THE PRACTICES, POLICIES AND PROCEDURES
OF THE DEPARTMENT FOR CORRECTIONAL SERVICES**

**Statement by Hon. Bruce Lander QC
Independent Commissioner Against Corruption**

> One of my statutory functions is to evaluate the practices, policies and
> procedures of inquiry agencies and public authorities with a view to advancing
> comprehensive and effective systems for preventing or minimising corruption,
> misconduct and maladministration in public administration.

> I have delegated those functions and powers (amongst others) to the Deputy
> Independent Commissioner Against Corruption, Mr Michael Riches.

> Commencing today Deputy Commissioner Riches will conduct an evaluation
> of the practices, policies and procedures of the Department for Correctional
> Services.

**Statement by Mr Michael Riches Deputy
Independent Commissioner Against Corruption**

> The Department for Correctional Services plays an important role in South
> Australian public administration. The unique functions the Department performs
> and the complex and challenging environment in which it operates raises
> significant corruption risks.

> It is critical that the Department carries out its functions in a manner that minimises
> the risks of corruption, misconduct and maladministration and that it has effective
> integrity measures to protect its staff, prisoners and the public.

> An evaluation is a useful means of gaining an in depth understanding of a public
> authority's operations and how it guards against risks of corruption, misconduct
> and maladministration. The evaluation will offer an opportunity to make
> recommendations for improvements while highlighting innovative and effective
> approaches to integrity risks.

The scope of the evaluation will be as follows:

1. The extent to which the Department's governance framework adequately guards against the risks of corruption, misconduct and maladministration.

2. The Department's practices, policies and procedures in respect of human resource management and whether those practices, policies and procedures efficiently manage human resources and control the risks of corruption, misconduct and maladministration.

3. The Department's practices, policies and procedures in respect of information management and whether those practices, policies and procedures ensure the accuracy and integrity of information whilst protecting the misuse of information.

4. The unique integrity risks associated with a custodial environment and whether the Department's practices, policies and procedures adequately safeguard against those risks.

It may be necessary for me to amend the scope of the evaluation as it progresses.

The evaluation will conclude with the provision of a report to both Houses of Parliament.

In the coming months I will invite submissions which are relevant to the scope of the evaluation from members of the public and interested stakeholders. Information about making a submission will be published on the ICAC website (icac.sa.gov.au) in due course.

I will publish information received during the course of the evaluation on the ICAC website to the extent that it is appropriate.

It is important to emphasise that an **evaluation** of practices, policies and procedures is **not** an investigation of individual conduct. To the extent that matters are identified which require investigation, they will be dealt with separately and in accordance with legislation.

While I cannot set a definitive timeframe for the evaluation I hope to be in a position to deliver a report to Parliament by the end of this year.

Appendix 2:
Response of the Department
for Correctional Services

Government of South Australia

Department for Correctional Services

Office of the Chief Executive

Level 2, 400 King William Street
DX 147

GPO Box 1747
ADELAIDE SA 5001

Tel: 08 8226 9000
Fax: 08 8226 9226

www.corrections.sa.gov.au

Our Ref: SEC/20/0018
Your Ref: A599805

// June 2021

Mr Michael Riches
Deputy Independent Commissioner Against Corruption
GPO Box 11066
ADELAIDE SA 5001
By email: ▮▮▮▮▮▮▮▮▮▮▮▮

Dear Mr Riches

I refer to your correspondence, dated 21 May 2021, in which you forwarded a copy of your draft report into the Evaluation of Practices, Polices and Procedures of the Department for Correctional Services (DCS / the Department).

On behalf of the Department, I have welcomed the evaluation and the opportunities that it has provided the agency for improvement.

DCS has accepted all 24 recommendations proposed in your draft report. Commentary in relation to the activity completed, in progress, or proposed is provided at *Attachment A - Recommendations Response Plan*. I would also note that, in addition to acting upon your recommendations, I am confident that the recent legislative reform as part of the now enacted *Correctional Services Accountability and Other Measures Act 2021* will further enhance staff accountability and integrity measures already in place.

In considering your evaluation, I am pleased that you have recognised the dedication of the overwhelming majority of our staff, who deliver a high-quality service and who conduct themselves with the utmost professionalism. This is whilst performing work that is complex and of critical importance to community safety in South Australia.

In recent years, DCS has undergone significant reform, not only to the programs and services that we deliver, but also through fostering a culture that empowers staff to deliver those reforms. Given this, it is encouraging that you have identified the practices already in place (and working well) to affect organisational change. Some of your reflections worth highlighting include:

- The excellent suite of policies and procedures that DCS has to manage the high level of integrity risk, some of which is unique to corrections;

- Shaping Corrections, the Department's staff-led continuous improvement initiative;

- Establishment of the Office for Correctional Services Review to coordinate the Department's investigative, complaint, audit, and review activities;

- The reform led through the Government's Better Prisons Program, aimed at increasing the quality, safety, and efficiency of our prison system as well as increased accountability through performance indicators and new measures for labour utilisation, attendance, and roster management;

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- Efforts made by the current Executive to influence transparency, staff engagement, and business improvement as well as the work undertaken to build a flexible and diverse workforce.

Nonetheless, the observations made by some employees within the evaluation's survey sample are concerning, particularly those responses that pointed to a prevalence of bullying, harassment, the misuse of sick leave and overtime, and other examples of unethical practices. DCS sets the highest standards for employee conduct. Consequently, these observed behaviours are not acceptable and can place the safety and security of the prison system at risk of being compromised. I also consider that it is a reasonable expectation that all DCS staff should feel that such activity is properly delt with at a management level.

I strongly acknowledge that this type of behaviour is certainly not reflective of the standard required of the Public Sector and affirm my, and the agency's commitment, to continue to drive improvements in this regard.

In addition to the *Recommendation Response Plan, Attachment B – Issues Log,* is a register of areas of the draft evaluation that DCS considers may require amendment (for example, factual errors and further consideration of objectivity and / or context). I ask that this document be redacted from your final report.

Further to the *Issues Log,* it is my view that, in reviewing your draft report, four overarching themes have been identified by the agency as being worthy of your additional consideration, and I outline these below:

1) The corrections environment is one that, by its very nature, attracts a higher level of complaint when compared to other areas of the public service. This higher level of complaint does not necessarily correlate as an indicator of increased likelihood of corrupt behaviour, misconduct, or maladministration.

   The higher level of complaint is in part a characteristic of deprivation of liberties and the impact these controls have on an individual. It also reflects the offending history, complex behavioural, addiction, and mental health comorbidities that individuals under our supervision present with.

   It is not uncommon for people in custody, or under supervision, to air grievances and complaints with multiple review agencies and offices at the same time (and sometimes on multiple occasions). These complaints often relate to dissatisfaction with decisions taken in their supervision or with interventions provided. While other characteristics of the unique environment are referenced in your report, this characteristic is not, in our view, adequately acknowledged.

2. The period in which the evaluation was conducted was a time of significant reform across the Department; these service reforms directly related to prison operations. This resulted in a heightened state of anxiety for correctional staff, increased industrial activity, and significant movement of staff (for example those staff transferring to other prisons from the Adelaide Remand Centre following the change in operator).

   These unique point in time factors would in part be reflected in the observations made by staff in their responses to the ICAC staff survey. I would like to submit that this causal link could be better acknowledged in your report.

3. DCS has historically been a highly industrialised environment. Staff and their industrial association have often taken strong opposing views to organisational

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change and have, for a long time, held the view that change to work practices could only occur with their agreement.

The Department's leadership have worked extensively to improve local consultation with worksite representatives to ensure effective input on change initiatives. We have a legal obligation to consult and take that responsibility very seriously. At the same time, we have also explained to staff representatives and their association that we cannot and will not always reach agreement on a change. These environmental factors do impact on the time it takes to implement change and do from time to time result in unacceptable behaviours in the workplace. They can also result in negative perceptions about behaviour versus an organisation's right to manage.

I would like to submit that these industrial environmental factors could be better acknowledged in your report.

4. I welcome the acknowledgement in your report that efforts to build greater diversity in leadership and management do assist in mitigating the risk of corrupt behaviour and that these achievements also support the desire of the majority of staff for improved transparency, professionalism, and service.

I would note however that efforts to build cultural, gendered, and professional diversity in leadership positions and more broadly across the prison service has not been welcomed by all. For some, this renewed focus on merit has been perceived to be at their expense when it comes to career progression. This change has challenged the status quo and is often referenced as a demonstration of favouritism and nepotism.
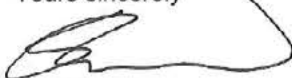
This potential link could be better acknowledged in your report when referencing the positives of diversity with the negatives around favouritism and nepotism reported in the survey results.

Regarding your request for publication of the documents identified as being relevant to the scope of the evaluation, a response is provided at *Attachment C – Publication of Documents*. I ask that this document be redacted from your final report.

In closing, I thank you for this opportunity to provide feedback. I would also like to take this opportunity to provide my sincere appreciation to the DCS staff who coordinated the assistance to your office. I am also grateful for the professionalism shown by your officers in their preparation of your report, especially in light of the challenges presented by the COVID-19 health emergency.

I can assure you that this evaluation will be used to continue to drive the Department's genuine and ongoing efforts for positive organisational change.

Yours sincerely

David Brown
CHIEF EXECUTIVE
DEPARTMENT FOR CORRECTIONAL SERVICES

enc: *Attachment A - Recommendations Response Plan*
enc (to redact): *Attachment B - Publication of Documents – Response from DCS*
               Attachment C- Issues Log

OFFICIAL:Sensitive

Appendix 3:
Recommendations Response Plan of the
Department for Correctional Services

Government of South Australia
Department for Correctional Services

ICAC EVALUATION OF THE PRACTICES, POLICIES AND PROCEDURES OF DCS
Attachment A: Recommendations – Response Plan

Recommendation	Supported Y/N	Status / Activity
1. Ensure all staff receive mandatory annual training in respect of bullying and harassment.	Y	DCS accepts this recommendation and is committed to ensuring that bullying and harassment training is included across a range of Departmental mandatory training programs, including VERB and OCPSE Code of Conduct training.
2. Clarify the roles and responsibilities in respect of the policy lifecycle between the Operational Support and Performance Section and Strategic Policy, Projects and Partnerships Section.	Y	DCS accepts this recommendation and will further clarify the roles and responsibilities, as already outlined in SOP 063.
3. Ensure Executive Instructions issued by the Chief Executive, or other authorised person, are the subject of Standard Operating Procured *063 'Management of Policies and Procedures'* to ensure those instructions are absorbed into relevant policies.	Y	DCS accepts this recommendation and will incorporate this feedback into the SOP 063 review.
4. Ensure Executive Instructions are included in the quarterly report prepared by Strategic Policy, Projects and Partnerships Section for the Chief Executive's review.	Y	DCS accepts this recommendation and will incorporate this feedback into the SOP 063 review.
5. Conduct a review of policies, procedures and Executive Instructions currently available on the Department's intranet to identify and delete outdated and obsolete documents.	Y	DCS accepts this recommendation and completed a review in May 2021. The review found that, of the 169 documents on the DCS intranet, 19 documents required changes, mostly due to more than one copy of a document being available on the intranet.
6. Amend SOP 063 to include a process to determine and approve the appropriate dissemination and education strategy to be applied in response of any new or amended policy, procedure or Executive Instruction.	Y	DCS accepts this recommendation and will incorporate this feedback into the SOP 063 review. DCS will also continue to explore opportunities to leverage from the Department's new systems for Learning Management, iSAFE and Rosters Management to improve internal processes relating to Departmental policies and procedures.
7. Reinforce to all Managers and Supervisors the need to insist on adherence to established policies and procedures.	Y	DCS accepts this recommendation. In 2021, the DCS Executive Team committed to improving Departmental assurance and performance programs in line with new initiatives, such as the new Prison Performance Framework and the Deputy Chief Executive Functional Manager Workshop program. In addition, the Department's investment in new systems, including iSAFE, Learning Management and Rosters Management, will support further improvements.
8. Amend the Conflict of Interest Policy to require all correctional staff who have contact with prisoners to make a disclosure of any conflict of interest (or to declare no such conflict exists) on an annual basis.	Y	DCS accepts this recommendation and will amend the Conflict of Interest Policy as required.

EVALUATION OF THE PRACTICES, POLICIES & PROCEDURES OF THE **DEPARTMENT FOR CORRECTIONAL SERVICES**

Government of South Australia
Department for Correctional Services

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Recommendation	Supported Y/N	Status / Activity
9. Introduce regular and mandatory training about grooming and inappropriate relationships for all staff who have contact with prisoners.	Y	DCS accepts this recommendation with a commitment that all frontline staff will receive training about grooming and inappropriate relationships, as part of the suite of mandatory training programs.
10. Consider the feasibility of establishing a separate communication channel for staff to raise concerns about their interactions with prisoners or their observations of others' interactions and to receive support to manage those concerns	Y	DCS accepts this recommendation and will investigate the feasibility of implementing a separate communication channel for staff.
11. Develop a staff rotation policy which defines the underlying rationale and principles to be applied in determining appropriate rotation arrangements.	Y	DCS accepts this recommendation and will develop a staff rotation policy in line with this recommendation.
12. Reinforce the need for absolute compliance with access control screening procedures for all persons entering a prison, including staff.	Y	DCS accepts this recommendation and will develop an updated training package, communication process, and compliance checking system for the DCS access screening process.
13. Consider the merits of transition to an electronic mail system for prisoner mail.	Y	DCS accepts this recommendation and will continue to investigate the merits of transition to an electronic mail system for prisoner mail.
14. Assess the feasibility of changes to CCTV technology to allow for the retention of footage for at least three months.	Y	DCS accepts this recommendation and will undertake a feasibility study to determine if changes can be made to current CCTV technology to allow for the retention of footage (for at least three months). Consideration will be given to technology capability, including CCTV footage storage and management requirements.
15. Advance the trial planned for YLP to assess the feasibility of the widespread use of body worn cameras in all prisons.	Y	DCS accepts this recommendation. A trial of body work cameras is due to commence in July 2021 with a focus on aligning body worn cameras to the Department's Graduated Response Model.
16. Consider implementing a system where workplace 'contact officers' are embedded across all parts if the organisation.	Y	DCS accepts this recommendation and will undertake a project to determine the appropriateness of implementing a system where workplace 'contact officers' are embedded across all parts if the organisation. In doing so, consideration will be given to training requirements, operating procedures, and the impact that a new system will have on different areas of the system.
17. Ensure that, where matters are referred to sites for investigation, steps are taken to identify and manage any perceived or actual conflicts of interest that may compromise the impartiality or perceived impartiality of the investigation.	Y	DCS accepts this recommendation and will expand current processes to ensure that responsibilities are better articulated, and processes are well documented.
18. Develop a recruitment policy setting out expectations with respect to recruitment activities conducted within the Department.	Y	DCS accepts this recommendation. The Department is currently developing a whole-of-agency recruitment policy, which will set out expectations for recruitment activities conducted across the agency.

Government of South Australia
Department for Correctional Services

OFFICIAL: Sensitive

Recommendation	Accepted Y/N	Status / Activity
19. Ensure managers and supervisors receive training in respect of conducting Performance Development Plans and having difficult conversations with staff about poor performance.	Y	DCS accepts this recommendation and will continue to deliver training for managers and supervisors on conducting Performance Development Plans and having difficult conversations with staff about poor performance.
20. Circulate information to staff reminding them of their obligation to participate in Performance Development Plans.	Y	DCS accepts this recommendation and will continue to circulate information to staff reminding them of their obligation to participate in Performance Development Plans.
21. Develop a Performance Management Policy and procedure that outlines performance management responsibilities and processes.	Y	DCS accepts this recommendation and will continue to ensure the Performance Management Policy is available to staff to support Performance Management responsibilities and processes.
22. Clarify the role of supervisors in relation to performance management and Performance Development Plans.	Y	DCS accepts this recommendation and will develop an Action Plan for each site to reinforce requirements.
23. Provide managers with access to a central information system combining information about the work history and performance of his or her staff.	Y	DCS accepts this recommendation. DCS is implementing a new Learning Management System that it is anticipated will provide managers with access to information about work history and performance.
24. Develop a policy outlining the circumstances where staff may be ineligible for overtime.	Y	DCS accepts this recommendation and will develop a policy that will outline the circumstances where staff may be ineligible for overtime.

Appendix 4:
Exhibit List

The table below contains the exhibits cited in footnotes in this report.

EXHIBIT NUMBER	EXHIBIT DESCRIPTION
EXH 0001	Department for Correctional Services Annual Report 2018-19 (October 2019) <https://www.corrections.sa.gov.au/__data/assets/pdf_file/0008/128879/DCS-Annual-Report-2018-19.pdf>.
EXH 0002	Strategic Plan for the Department for Correctional Services 2018-2022 <https://www.corrections.sa.gov.au/__data/assets/pdf_file/0003/27777/DCS_2018-22-Strategic-Plan.pdf>.
EXH 0003	Crime and Corruption Commission, Queensland, Taskforce Flaxton, An examination of corruption risks and corruption in Queensland prisons (December 2018) <https://www.ccc.qld.gov.au/sites/default/files/Docs/Public-Hearings/Flaxton/Taskforce-Flaxton-An-examination-of-corruption-risks-and-corruption-in-qld-prisons-Report-2018.pdf>.
EXH 0006	Department for Correctional Services Business Plan 2019-20.
EXH 0009	Department for Correctional Services Overview 2020.
EXH 0021	Department for Correctional Services, Policy 37 Use of Biometric Enrolment System (September 2018).
EXH 0022	Department for Correctional Services, Policy 036 Access Control (September 2018).
EXH 0028	Corruption and Crime Commission, Western Australia, Report into misconduct risks in WA prisons (October 2018) <https://www.ccc.wa.gov.au/sites/default/files/Report%20into%20misconduct%20risks%20in%20WA%20prisons.pdf>.
EXH 0030	Department for Correctional Services, Policy 33 Training and Development (May 2018).
EXH 0034	Department for Correctional Services, Standard Operating Procedure 004 Incident Reporting and Recording (September 2019).
EXH 0039	Department for Correctional Services, Standard Operating Procedure 016 Prohibited Items and Restricted Materials (August 2018).
EXH 0040	Department for Correctional Services, Standard Operating Procedure 022 Prisoner Visits (October 2019).
EXH 0041	Department for Correctional Services, Performance Development Plan Template for Correctional Officer 02 – Correctional Officer 04 (undated).
EXH 0045	Department for Correctional Services, Standard Operating Procedure 063 Management of Policies and Procedures (September 2019).
EXH 0047	Department for Correctional Services, Performance Development Plan Template - Summary 2018.
EXH 0048	Department for Correctional Services, Standard Operating Procedure 079 Use of Force (February 2019).
EXH 0049	Department for Correctional Services, Standard Operating Procedure 089 Prisoner Mail (May 2019).
EXH 0050	Department for Correctional Services, Standard Operating Procedure 069 Fraud Reporting (November 2016).

EXHIBIT NUMBER	EXHIBIT DESCRIPTION
EXH 0055	Department for Correctional Services, Supervisors/Managers Performance Development Plan Process for Managers (undated).
EXH 0059	Department for Correctional Services, Standard Operating Procedure 60 Employee Complaints Resolution Process (August 2019).
EXH 0063	Department for Correctional Services, Guideline 21 Training and Development (May 2018).
EXH 0064	Department for Correctional Services, Standard Operating Procedure 081 Workplace Induction (May 2018).
EXH 0081	Department for Correctional Services, Guideline 23 Employee Misconduct (August 2015).
EXH 0086	Department for Correctional Services, Roster Development Minimum Standards - Guidelines (March 2018).
EXH 0087	Department for Correctional Services, Chief Executive Instruction 18-033 Recruitment and the Eligibility for Re-Employment Register (November 2018).
EXH 0090	Department for Correctional Services, Office for Correctional Services Review Overview (August 2018).
EXH 0092	Department for Correctional Services, Staff Selection Report Template (October 2018).
EXH 0100	Department for Correctional Services, Better Prisons, South Australian Correctional Centres Performance Regime Draft (September 2019).
EXH 0101	Department for Correctional Services, Chief Executive Instruction 20-02 Sick Leave (February 2020).
EXH 0110	Department for Correctional Services, Chief Executive Instruction 20-10 Recruitment Due Diligence Requirements (February 2020).
EXH 0111	Department for Correctional Services, Chief Executive Instruction 20-04 Overtime Management and Time off in Lieu of Payment of Overtime (TOIL) (February 2020).
EXH 0112	Department for Correctional Services, Chief Executive Instruction 20-05 Flexitime Management, Meal Breaks and Record Keeping Requirements (February 2020).
EXH 0130	Department for Correctional Services, Staff Training and Development Steering Committee Terms of Reference (undated).
EXH 0134	Department for Correctional Services Workforce Profile (January 2020).
EXH 0145	Job and Person Specification, Director Operation Support and Performance (May 2018).
EXH 0149	Job and Person Specification, Director Workforce Planning and Development (May 2018).
EXH 0159	Job and Person Specification, Correctional Officer Generic (May 2018).
EXH 0163	Job and Person Specification, Supervisor Operations (May 2018).
EXH 0167	Job and Person Specification, General Manager Yatala Labour Prison (May 2018).
EXH 0175	Job and Person Specification, General Manager Port Augusta Prison (May 2018).
EXH 0181	Job and Person Specification, General Manager Women's Prison & Pre-release Centre (May 2018).
EXH 0188	Contribution via email, written submission or meeting.

EXHIBIT NUMBER	EXHIBIT DESCRIPTION
EXH 0189	Government of South Australia, SA Public Sector Workforce Information Report 2020 <https://www.publicsector.sa.gov.au/about/Our-Work/Reporting/Workforce-Information/files-post-2015/2020/2020-Workforce-Information-Report.pdf>.
EXH 0195	Department for Correctional Services correspondence, Records Management Framework (July 2019).
EXH 0197	Department for Correctional Services, Evidence and documentation provided by Workforce Planning and Development for ICAC evaluation (February 2020).
EXH 0199	Department for Correctional Services correspondence, Mandatory Online Corporate Induction (April 2019).
EXH 0200	Department for Correctional Services, Corporate and Local Induction Report (December 2019).
EXH 0203	Department for Correctional Services, ICAC Related Training Report (January – December 2019).
EXH 0210	Department for Correctional Services correspondence, Information Management General Awareness Training (November 2019).
EXH 0235	Contribution via email, written submission or meeting.
EXH 0248	Department for Correctional Services, Correctional Officer Training Course Review 2018.
EXH 0249	Department for Correctional Services, Draft Correctional Officer Training Course (undated).
EXH 0250	Department for Correctional Services, Staff Training and Development Business Review Report (November 2019).
EXH 0255	Contribution via email, written submission or meeting.
EXH 0264	Department for Correctional Services, Policy 00 Employee Conduct (March 2020).
EXH 0266	Department for Correctional Services, Policy 45 Conflict of Interest (March 2020).
EXH 0267	Department for Correctional Services, Standard Operating Procedure 105 Conflict of Interest (March 2020).
EXH 0268	Department for Correctional Services, Policy 56 Anti-Corruption and Integrity (March 2020).
EXH 0269	Department for Correctional Services, Standard Operating Procedure 069 Fraud and Corruption Reporting (March 2020).
EXH 0270	Department for Correctional Services, Draft Standard Operating Procedure 110 Employee Misconduct (in draft for the duration of the evaluation).
EXH 0271	Contribution via email, written submission or meeting.
EXH 0275	Contribution via email, written submission or meeting.
EXH 0276	Contribution via email, written submission or meeting.
EXH 0305	Department for Correctional Services, Standard Operating Procedure 056 Visitor Search, Detention and the Use of PADD Dogs (January 2019).
EXH 0316	Department for Correctional Services, Policy 042 Management and Restraint of Mentally Unwell Prisoners (November 2018).
EXH 0320	Department for Correctional Services, Policy 50 Smokefree Workplace (November 2019).

EXHIBIT NUMBER	EXHIBIT DESCRIPTION
EXH 0321	Department for Correctional Services, Policy 051 Use of Ionscan Devices (February 2019).
EXH 0323	Department for Correctional Services, Policy 053 Recording Intercom Communications (October 2019).
EXH 0333	Contract for the Management and Operation of the Adelaide Remand Centre between the Minister for Correctional Services and Serco Australia Pty Ltd (2019).
EXH 0334	Contract for the Management and Operation of the Mount Gambier Prison between the Minister for Correctional Services and G4S Custodial Services Pty Ltd (2017).
EXH 0337	Department for Correctional Services, Policy 010 Camera Surveillance and Monitoring (February 2021).
EXH 0338	Department for Correctional Services correspondence, Correctional Services (Accountability and Other Measures) Amendment Bill (May 2020).
EXH 0343	Contribution by Department for Correctional Services staff via email, written submission or meeting.
EXH 0344	Contribution by Department for Correctional Services staff via email, written submission or meeting.
EXH 0346	Contribution via email, written submission or meeting.
EXH 0350	Contribution via email, written submission or meeting.
EXH 0351	Contribution via email, written submission or meeting.
EXH 0354	Contribution via email, written submission or meeting.
EXH 0356	Contribution by Department for Correctional Services staff via email, written submission or meeting.
EXH 0358	Contribution via email, written submission or meeting.
EXH 0359	Contribution by Department for Correctional Services staff via email, written submission or meeting.
EXH 0360	Contribution by Department for Correctional Services staff via email, written submission or meeting.
EXH 0361	Evaluation Staff Survey Data (July 2020).
EXH 0362	Contribution by Department for Correctional Services staff via email, written submission or meeting.
EXH 0363	Contribution by Department for Correctional Services staff via email, written submission or meeting.
EXH 0366	Contribution by Department for Correctional Services staff via email, written submission or meeting.
EXH 0367	Contribution by Department for Correctional Services staff via email, written submission or meeting.
EXH 0384	Contribution via email, written submission or meeting.
EXH 0389	Contribution by Department for Correctional Services staff via email, written submission or meeting.
EXH 0390	Contribution by Department for Correctional Services staff via email, written submission or meeting.

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EXH 0391	Contribution by Department for Correctional Services staff via email, written submission or meeting.
EXH 0393	Contribution by Department for Correctional Services staff via email, written submission or meeting.
EXH 0395	Contribution by Department for Correctional Services staff via email, written submission or meeting.
EXH 0396	Contribution by Department for Correctional Services staff via email, written submission or meeting.
EXH 0397	Contribution by Department for Correctional Services staff via email, written submission or meeting.
EXH 0398	Contribution by Department for Correctional Services staff via email, written submission or meeting.
EXH 0399	Contribution by Department for Correctional Services staff via email, written submission or meeting.
EXH 0400	Contribution by Department for Correctional Services staff via email, written submission or meeting.
EXH 0401	Contribution by Department for Correctional Services staff via email, written submission or meeting.
EXH 0402	Ombudsman SA, Ombudsman's own initiative investigation in relation to issues surrounding the death in custody of Mr Wayne Fella Morrison (August 2020) <https://www.ombudsman.sa.gov.au/publication-documents/investigation-reports/2020/Department-for-Correctional-Services-various-issues-before-and-after-the-death-of-a-prisoner-Mr-Wayne-Fella-Morrison.pdf>.
EXH 0403	Contribution by Department for Correctional Services staff via email, written submission or meeting.
EXH 0404	Contribution by Department for Correctional Services staff via email, written submission or meeting.
EXH 0405	Contribution by Department for Correctional Services staff via email, written submission or meeting.
EXH 0406	Contribution by Department for Correctional Services staff via email, written submission or meeting.
EXH 0407	Contribution by Department for Correctional Services staff via email, written submission or meeting.
EXH 0408	Contribution via email, written submission or meeting.
EXH 0409	Contribution by Department for Correctional Services staff via email, written submission or meeting.
EXH 0410	Contribution by Department for Correctional Services staff via email, written submission or meeting.
EXH 0411	Contribution by Department for Correctional Services staff via email, written submission or meeting.
EXH 0412	Department for Correctional Services, Central Consultative Committee Minutes, 13 February 2020.
EXH 0413	Contribution by Department for Correctional Services staff via email, written submission or meeting.

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EXH 0414	Contribution by Department for Correctional Services staff via email, written submission or meeting.
EXH 0415	Contribution by Department for Correctional Services staff via email, written submission or meeting.
EXH 0416	Contribution by Department for Correctional Services staff via email, written submission or meeting.
EXH 0417	Contribution by Department for Correctional Services staff via email, written submission or meeting.
EXH 0418	Contribution by Department for Correctional Services staff via email, written submission or meeting.
EXH 0419	Contribution by Department for Correctional Services staff via email, written submission or meeting.
EXH 0420	Contribution by Department for Correctional Services staff via email, written submission or meeting.
EXH 0421	Contribution by Department for Correctional Services staff via email, written submission or meeting.
EXH 0422	Contribution by Department for Correctional Services staff via email, written submission or meeting.
EXH 0423	Contribution by Department for Correctional Services staff via email, written submission or meeting.
EXH 0424	Contribution by Department for Correctional Services staff via email, written submission or meeting.
EXH 0426	Contribution by Department for Correctional Services staff via email, written submission or meeting.
EXH 0427	Contribution by Department for Correctional Services staff via email, written submission or meeting.
EXH 0428	Contribution by Department for Correctional Services staff via email, written submission or meeting.
EXH 0429	Contribution by Department for Correctional Services staff via email, written submission or meeting.
EXH 0430	Contribution by Department for Correctional Services staff via email, written submission or meeting.
EXH 0431	Contribution by Department for Correctional Services staff via email, written submission or meeting.
EXH 0432	Contribution by Department for Correctional Services staff via email, written submission or meeting.
EXH 0433	Contribution by Department for Correctional Services staff via email, written submission or meeting.
EXH 0434	Contribution by Department for Correctional Services staff via email, written submission or meeting.
EXH 0435	Contribution by Department for Correctional Services staff via email, written submission or meeting.
EXH 0436	Contribution by Department for Correctional Services staff via email, written submission or meeting.

EXHIBIT NUMBER	EXHIBIT DESCRIPTION
EXH 0437	Australian Institute of Health and Welfare, The health of South Australia's prisoners 2018 Fact Sheet <https://www.aihw.gov.au/getmedia/553097f0-a81c-4be0-9bbf-b8a0e2daaa7b/Prisoners-SA.pdf.aspx>.
EXH 0438	Australian Institute of Health and Welfare, The health of Australia's prisoners 2018 (May 2019) <https://www.aihw.gov.au/reports/prisoners/health-australia-prisoners-2018/summary>.
EXH 0439	Contribution by Department for Correctional Services staff via email, written submission or meeting.
EXH 0440	Contribution via email, written submission or meeting.
EXH 0441	Contribution by Department for Correctional Services staff via email, written submission or meeting.
EXH 0442	Department for Correctional Services, Employees on formal management plans (November 2020).
EXH 0443	Department for Correctional Services, Performance Development Plan completion rates across prison sites (March 2020).
EXH 0446	K Martin and R Davis, The Correctional Officer Stockholm Syndrome: Management Implications (undated) <https://emotionalsurvival.com/stockholm_syndrome.htm>.
EXH 0447	United Nations Office on Drugs and Crime, Handbook on Anti-Corruption Measures in Prisons (October 2017) <https://www.unodc.org/documents/justice-and-prison-reform/17-06140_HB_anti-corr_prisons_eBook.pdf>.
EXH 0448	Independent Broad-based Anti-corruption Commission (Victoria), Corruption Risks Associated with the Corrections Sector (November 2017) <https://www.ibac.vic.gov.au/publications-and-resources/article/corruption-risks-associated-with-the-corrections-sector>.
EXH 0451	Department for Correctional Services correspondence, Prisoner Mail (May 2021).
EXH 0454	Department for Correctional Services, Standard Operating Procedure 053 Electronic Security Equipment and Systems (May 2018).
EXH 0456	Department for Correctional Services, Correctional Officer Information Sheet (February 2021) <https://www.corrections.sa.gov.au/__data/assets/pdf_file/0018/34272/Correctional-Officers-Information-Sheet-March-2021-Copy.pdf>.
EXH 0458	Department for Correctional Services, Correctional Officer Role (February 2021) <https://www.corrections.sa.gov.au/careers/Working-with-prisoners-and-offenders/correctional-officers>.
EXH 0459	Commissioner for Public Sector Employment, Code of Ethics for the South Australian Public Sector (March 2021) <https://www.publicsector.sa.gov.au/__data/assets/pdf_file/0017/218141/Code-of-Ethics.pdf>.
EXH 0460	Contribution by Department for Correctional Services staff via email, written submission or meeting.
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EXHIBIT NUMBER	EXHIBIT DESCRIPTION
EXH 0474	United Nations Office on Drugs and Crime, Handbook on Dynamic Security and Prison Intelligence (December 2015) <https://www.unodc.org/documents/justice-and-prison-reform/UNODC_Handbook_on_Dynamic_Security_and_Prison_Intelligence.pdf>.
EXH 0476	Corruption and Crime Commission, Western Australia, Review of recommendations made to the Department of Justice arising from six reports (June 2020) <https://www.ccc.wa.gov.au/sites/default/files/Review%20of%20recommendations%20made%20to%20the%20Department%20of%20Justice%20arising%20from%20six%20reports_0.pdf>.
EXH 0477	Corruption and Crime Commission, Western Australia, Report into inadequate supervision of prisoners whilst in the community (May 2018) <https://www.parliament.wa.gov.au/publications/tabledpapers.nsf/displaypaper/4011333a7368afb16cb2863f4825828e002764ef/$file/1333.pdf>.
EXH 0478	Corruption and Crime Commission, Western Australia, Report on corrupt custodial officers and the risks of contraband entering prisons (June 2018) <https://www.ccc.wa.gov.au/sites/default/files/Report%20on%20corrupt%20custodial%20officers%20and%20the%20risks%20of%20contraband%20entering%20prisons.pdf>.
EXH 0479	Corruption and Crime Commission, Western Australia, Report into inadequate use of force reporting at Hakea Prison on 21 March 2016 (June 2018) <https://www.ccc.wa.gov.au/publications/reports/page/report-inadequate-use-force-reporting-hakea-prison-21-march-2016>.
EXH 0480	Corruption and Crime Commission, Western Australia, Report into inadequate use of force reporting at Eastern Goldfields Regional Prison on 27 March 2017 and Bunbury Regional Prison on 14 November 2016 (June 2018) <https://www.ccc.wa.gov.au/publications/reports/page/report-inadequate-use-force-reporting-eastern-goldfields-regional-prison>.
EXH 0481	Corruption and Crime Commission, Western Australia, Report into inadequate use of force reporting at Eastern Goldfields Regional Prison in May 2017 (June 2018) <https://www.ccc.wa.gov.au/sites/default/files/Report%20into%20inadequate%20use%20of%20force%20reporting%20at%20Eastern%20Goldfields%20Regional%20Prison%20in%20May%202017.pdf>.
EXH 0482	Independent Commissioner Against Corruption, New South Wales, Investigation into the conduct of Corrective Services NSW officers at Lithgow Correctional Centre (June 2019) <https://www.icac.nsw.gov.au/investigations/investigation-reports>.
EXH 0483	Independent Commissioner Against Corruption, New South Wales, Investigation into the smuggling of contraband into the Metropolitan Special Programs Centre at the Long Bay Correctional Complex (January 2013) <https://www.icac.nsw.gov.au/investigations/investigation-reports>.
EXH 0484	Independent Broad-based Anti-corruption Commission, Victoria, Corruption Risks associated with the Corrections Sector (November 2017) <https://www.ibac.vic.gov.au/publications-and-resources/article/corruption-risks-associated-with-the-corrections-sector>.
EXH 0485	Independent Commissioner Against Corruption, New South Wales, Investigation into the smuggling of contraband into the John Morony Correctional Centre (July 2010) <https://www.icac.nsw.gov.au/investigations/past-investigations/pre-2011>.
EXH 0543	Department for Correctional Services, Local Operating Procedure 50 Rostering/Call-back/Overtime Policy Adelaide Women's Prison/Pre-release Centre (November 2020).
EXH 0544	Department for Correctional Services, Local Operating Procedure 60 Callback/Overtime Policy and Roster Issues Cadell Training Centre (August 2018).

EXHIBIT NUMBER	EXHIBIT DESCRIPTION
EXH 0546	Department for Correctional Services, Local Operating Procedure 69 Callback/ Overtime Policy and Roster Issues Mobilong Prison (March 2018).
EXH 0547	Department for Correctional Services, Local Operating Procedure 18 Overtime, Call-back, and Call-in /Double Shift Port August Prison (July 2019).
EXH 0548	Department for Correctional Services, Local Operating Procedure 20 Staff Vacancy Port Lincoln Prison (January 2015).
EXH 0551	Department for Correctional Services, Local Operating Procedure 50 Daily Muster Parades and Rosters Management Yatala Labour Prison (July 2015).
EXH 0552	Department for Correctional Services, Local Operating Procedure 64 Assignment of Operational Staff within the Institution Port Lincoln Prison (December 2020).
EXH 0553	Department for Correctional Services, Project Brief Better Prisons – Workforce Flexibility & Rosters Modernisation (May 2020).
EXH 0554	Department for Correctional Services correspondence, Sick leave averages 2018-2019.
EXH 0559	Department for Correctional Services correspondence, Unplanned absences and actions taken at sites (December 2020).
EXH 0564	Department for Correctional Services, Trainee Correctional Officer recruitment review (March 2017).
EXH 0572	South Australian Equal Opportunity Commission (April 2021) <https://eoc.sa.gov.au/about-equal-opportunity/employment/work/workplace-bullying>.
EXH 0573	Department for Correctional Services, Case Management (April 2021) <https://www.corrections.sa.gov.au/prison/prison-life/prisoner-management/case-management>.
EXH 0574	Productivity Commission, Report on Government Services 2020, Corrective Services, Table 8A.4 (January 2020) <https://www.pc.gov.au/research/ongoing/report-on-government-services/2020/justice/corrective-services>.
EXH 0581	Department for Correctional Services, Mandatory Training by Course (March 2020).
EXH 0591	Department for Correctional Services, Mandatory Training Requirements (CO2-CO7) - Summary (September 2020).
EXH 0596	Department for Correctional Services correspondence, Performance Management (December 2020).
EXH 0606	Government of South Australia, State Government Response and Action Plan, Reducing Reoffending by 10% by 2020 (August 2016) <https://www.corrections.sa.gov.au/__data/assets/pdf_file/0004/27796/10by20-Response-and-Action-Plan.pdf>.
EXH 0607	Department for Correctional Services correspondence, Summary and Diagram of Anti-Corruption and Integrity Framework (December 2020).
EXH 0612	Department for Correctional Services correspondence, Conflicts of Interest Summary 2019-2020 (December 2020).
EXH 0628	Government of South Australia, 10 by 20: Reducing reoffending, Strategic Policy Panel Report (December 2016) <https://www.corrections.sa.gov.au/__data/assets/pdf_file/0003/27795/10-by-20-Strategic-Policy-Panel-Report.pdf>.

EXHIBIT NUMBER	EXHIBIT DESCRIPTION
EXH 0635	Commissioner for Public Sector Employment, Determination 3.1: Employment Conditions – Hours of Work, Overtime and Leave (May 2021) <https://www.publicsector.sa.gov.au/hr-and-policy-support/Determinations,-Premiers-Directions-and-Guidelines/Determinations/Source/Updated-3.1-171220.pdf>.
EXH 0637	Independent Commissioner Against Corruption, Public Integrity Survey 2018 (December 2018) <https://icac.sa.gov.au/system/files/ICAC_Public_Integrity_Survey_2018_0.pdf>.
EXH 0638	Independent Commissioner Against Corruption, In Their Own Words, a second report from the ICAC Public Integrity Survey 2018 (August 2019) <https://icac.sa.gov.au/system/files/In-Their-Own-Words.pdf>.
EXH 0639	Department for Correctional Services, Policy 59 Workplace Drug and Alcohol Policy (July 2020).
EXH 0640	Department for Correctional Services, Standard Operating Procedure 112 Workplace Drug and Alcohol Testing (July 2020).
EXH 0641	Department for Correctional Services correspondence, Access Controls (May 2021).
EXH 0642	Department for Correctional Services correspondence, Employee Misconduct Guideline (May 2021).
EXH 0643	Department for Correctional Services, Correctional officer training (May 2021) <https://www.corrections.sa.gov.au/careers/Working-with-prisoners-and-offenders/correctional-officers?a=27750>.
EXH 0644	Contribution via email, written submission or meeting.
EXH 0647	Department for Correctional Services, Prison Organisation Charts (July 2020).
EXH 0648	Department for Correctional Services Response to Draft Evaluation Report – Attachment B.