



Crime and Corruption Commission
QUEENSLAND

Taskforce Flaxton

An examination of corruption risks and
corruption in Queensland prisons

December 2018



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Crime and Corruption Commission

GPO Box 3123, Brisbane QLD 4001

Level 2, North Tower Green Square

515 St Pauls Terrace

Fortitude Valley QLD 4006

Phone: 07 3360 6060

(toll-free outside Brisbane: 1800 061 611)

Fax: 07 3360 6333

Email: mailbox@ccc.qld.gov.au

Note: This publication is accessible through the CCC website <www.ccc.qld.gov.au>.

GPO Box 3123
Brisbane QLD 4001

Level 2
North Tower Green Square
515 St Pauls Terrace
Fortitude Valley QLD 4006

Tel.: 07 3360 6060
Toll-free: 1800 061 611
(in Queensland outside
Brisbane)

Fax: 07 3360 6333

mailbox@ccc.qld.gov.au
www.ccc.qld.gov.au

ABN 32 164 714 360



**Crime and Corruption
Commission**

QUEENSLAND

December 2018

The Honourable Curtis Pitt MP
Speaker of the Legislative Assembly
Parliament House
George Street
BRISBANE QLD 4000

Dear Mr Speaker

In accordance with Section 69 of the *Crime and Corruption Act 2001*, the Crime and Corruption Commission hereby furnishes to you its report, *Taskforce Flaxton – An examination of corruption risks and corruption in Queensland prisons*

The Commission has adopted the report.

Yours sincerely

Alan MacSporran QC
Chairperson

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Foreword

In March 2018, the Crime and Corruption Commission (CCC) commenced Taskforce Flaxton to identify corruption and risks of corruption in Queensland prisons, features of the legislative, policy and operational environment that enable corrupt conduct to occur, and reforms to better prevent, detect and deal with corrupt conduct.

From the outset, the Commission took the view that it was important to engage with people who have first-hand experience of this unique and challenging environment. The Commission received 33 detailed written submissions and heard from 34 witnesses, who brought a range of different perspectives to the table, during the 16 days of public hearings. We heard from QCS staff and just over one-third of current Queensland prisoners, who shared their views via a voluntary and anonymous survey, and consulted with QCS staff to better understand the existing operating environment.

In the CCC's view, there are significant corruption risks in Queensland prisons and the existing anti-corruption framework is not effectively preventing, detecting or dealing with them. We have made 33 recommendations that seek to improve the performance of QCS and the external oversight mechanisms. Ultimately, these reforms will improve safety for staff and prisoners, ensure decisions are ethical and impartial, enhance accountability and transparency, and raise performance standards.

As Taskforce Flaxton progressed, QCS began responding to the issues being raised in the public hearings. In doing so, the QCS executive team has demonstrated its willingness to deal with these issues with priority. But this is only the start of what is a significant program of reform and QCS will need support in order to become a top-tier public safety agency. The Commission encourages the government to implement all 33 recommendations.

A J MacSporran QC
Chairperson

Abbreviations

ABS	Australian Bureau of Statistics
AGCC	Arthur Gorrie Correctional Centre
AIHW	Australian Institute of Health and Welfare
AO NSW	Audit Office of New South Wales
BCC	Brisbane Correctional Centre
BOM	Board of Management
BTCC	Borallon Training and Correctional Centre
BWC	body worn camera
BWCC	Brisbane Women's Correctional Centre
CAPCC	Capricornia Correctional Centre
CC Act	<i>Crime and Corruption Act 2001</i>
CCC	Crime and Corruption Commission
CCO	custodial correctional officer
CCTV	closed circuit television
COPD	Custodial Operations Practice Directive
CS Act	<i>Corrective Services Act 2006 (Qld)</i>
CSIU	Corrective Services Investigation Unit (QPS)
DJAG	Department of Justice and Attorney-General
DOME	Digital Offender Management Environment
EOI	expression of interest
ESU	Ethical Standards Unit
GRC	Governance Risk and Compliance
HHS	Hospital and Health Service
HR	Human Resources
HRW	Human Rights Watch
IBAC	Independent Broad-based Anti-corruption Commission
ICT	Information and communication technology
IOMS	Integrated Offender Management System
KPI	key performance indicator

LGCC	Lotus Glen Correctional Centre
MCC	Maryborough Correctional Centre
MoG	Machinery of Government
MoU	Memorandum of Understanding
OCI	Officer of the Chief Inspector
OPCAT	Optional Protocol to the Convention against Torture
OPR	operational performance reporting
PCCC	Palen Creek Correctional Centre
PSC	Public Service Commission
QAO	Queensland Audit Office
QCS	Queensland Corrective Services
QCSIG	QCS Intelligence Group
QPC	Queensland Productivity Commission
QPS	Queensland Police Service
SQCC	Southern Queensland Correctional Centre
TCC	Townsville Correctional Complex (Men and Women)
UN	United Nations
UNODC	United Nations Office on Drugs and Crime
UPA	units of public administration
WFDCC	Woodford Correctional Centre

Summary and recommendations

Summary

In March 2018, the Crime and Corruption Commission (CCC) commenced Taskforce Flaxton in response to the corruption risks inherent in the custodial environment, the complex model used to deliver custodial services in Queensland, the 2017 Machinery of Government changes that established Queensland Corrective Services as a stand-alone agency, increases in the number of allegations made to the CCC about corrupt conduct involving staff working in Queensland prisons and the outcomes of a number of CCC investigations that identified possible systemic issues. Taskforce Flaxton sought to examine:

- corruption and risks of corruption in QCS facilities (including 14 prisons (two managed under private contracts), and work camps)
- features of the legislative, policy and operational environment that may enable corrupt conduct to occur or are vulnerable to corrupt conduct
- reforms to better prevent, detect and deal with corrupt conduct within QCS facilities.

The CCC found that unique features of the prison environment create corruption risk. Specifically:

- Prison overcrowding is negatively affecting the way prisons operate and increasing corruption risk. The CCC is of the view that alleviating prison overcrowding is essential to reducing corruption risk and corruption in Queensland prisons.
- The complexity and diversity of the Queensland prisoner population influences prison dynamics and the range and nature of services offered. Further, prisoners with special needs are more dependent on services and correctional staff, and at risk of being exploited as a result of corrupt conduct. The CCC is of the view that more needs to be done to improve prisoner health, in particular.
- The inherently closed nature of prisons can facilitate and perpetuate corruption. Greater investment in surveillance technology, improved public reporting and an enhanced independent inspection function will facilitate transparency and accountability.
- The relationships between custodial correctional officers and prisoners that are necessary to maintain order in a prison create significant corruption risk.
- Privately operated prisons create challenges for the State in ensuring prisoners detained in these facilities are treated humanely and have appropriate access to programs and services.

The CCC also identified a number of corruption risks that were particularly evident. These included failure to report corruption, inappropriate relationships, excessive use of force, misuse of authority, introduction of contraband and misuse of information.

An effective anti-corruption framework is necessary to mitigate the unique features of the prison environment that create corruption risk and the specific corruption risks that manifest in prisons. In the CCC's view, the existing framework operating in Queensland is not effectively preventing, detecting or dealing with corruption risk or corruption in prisons. This report proposes an anti-corruption framework that, if effectively implemented, will improve safety and security, integrity and impartiality, accountability and transparency, and performance. To deliver improvements in these areas, and ultimately reduce corruption risk, the CCC proposes that QCS must improve its strategy and performance, implement more robust anti-corruption measures, and improve its internal oversight. In addition, the CCC proposes enhancements to external oversight mechanisms.

Recommendations

The CCC makes the following recommendations to reduce corruption risk in Queensland prisons. The CCC will publish the government response to these recommendations and any progress reports on their implementation on the CCC website (www.ccc.qld.gov.au).

Recommendation 1 (p. 21)

That QCS:

- (a) develop a comprehensive measurement strategy to assess the performance of its anti-corruption strategy
- (b) incorporate anti-corruption performance reporting into appropriate governance committees to ensure appropriate oversight
- (c) publicly report anti-corruption performance outcomes.

Recommendation 2 (p. 24)

That QCS revise the way it measures the performance of prisons. The performance framework should:

- (a) use consistent performance standards and a consistent performance measurement approach across all Queensland prisons
- (b) include all appropriate cost, input, output, and outcome key performance indicators (including integrity measures and data quality measures)
- (c) include strategies to improve data availability and data quality
- (d) provide greater public access to performance indicators and performance reports.

Recommendation 3 (p. 25)

That QCS review its risk management framework to improve the identification, management and oversight of corruption risk.

Recommendation 4 (p. 26)

That QCS review its organisational structure to:

- (a) support the delivery of its ten year strategy
- (b) provide greater role and function clarity (including span of control, reporting lines, delegations and authorisations, employee performance management)
- (c) be sufficiently agile to accommodate future changes in the agency's strategy
- (d) improve standards, drive performance and deliver efficiencies
- (e) promote internal communication.

Recommendation 5 (p. 26)

That, at a minimum, the following functions be centrally controlled and services delivered in line with Service Level Standards:

- (a) human resources, including the QCS Academy, workforce planning and talent management and rostering
- (b) finance, including contract management and procurement
- (c) information technology and digital services

- (d) facilities and assets
- (e) ethical standards
- (f) intelligence.

Recommendation 6 (p. 28)

That:

- (a) QCS establish an organisational-wide cultural change program to assess current culture, create a shared vision of the ideal culture, develop and implement initiatives to support cultural change, and monitor and report on the implementation of initiatives and cultural change
- (b) the organisational-wide cultural change program be monitored by the QCS Board of Management to ensure alignment of culture, strategic intent and performance priorities, and to ensure the program is adequately resourced.

Recommendation 7 (p. 28)

That:

- (a) QCS, as contract manager on behalf of the State of Queensland, and private prison providers agree and implement a universal set of culture indicators
- (b) each prison measure culture on an annual basis and publicly release these findings.

Recommendation 8 (p. 31)

That QCS:

- (a) commission an independent capability review to assess the agency's capability to efficiently and effectively deliver its strategic intent
- (b) develop strategies to address capability gaps (particularly human resources, information and communication technology, operational performance reporting and ethical standards)
- (c) monitor strategy development, implementation and outcomes at the QCS Board of Management.

Recommendation 9 (p. 31)

That QCS:

- (a) establish a centralised function responsible for policy and practice management throughout the agency to promote performance standards and consistency
- (b) review Custodial Operations Practice Directives and local instructions to improve clarity and consistency.

Recommendation 10 (p. 31)

That:

- (a) Queensland Health implement the recommendations of the Offender Health Services Review Final Report
- (b) QCS support the implementation of the recommendations of the Offender Health Services Review Final Report
- (c) QCS and Queensland Health jointly identify aspects of the QCS operating model (systems, policies and practices) that undermine the delivery of prisoner health services and QCS,

where feasible, change systems, policies or practices to facilitate better prisoner health outcomes.

Recommendation 11 (p. 32)

That QCS develop an agency-specific Code of Practice to complement the Code of Conduct.

Recommendation 12 (p. 33)

That QCS:

- (a) include QCS values in human resource policy and practice (including recruitment and selection and performance management)
- (b) review recruitment and selection policy and practice to ensure they are meritorious and transparent
- (c) strengthen pre-employment screening, vetting and probity processes.

Recommendation 13 (p. 33)

That QCS develop and implement a formal first year correctional officer graduate program to minimise early exposure to higher-risk environments and provide greater support, training and oversight during initial operational placement.

Recommendation 14 (p. 34)

That QCS review mandatory refresher training to include training that responds to the needs of the prisoner cohort and targets high-risk corruption areas.

Recommendation 15 (p. 35)

That QCS develop a staff rotation policy to reduce corruption risk, promote professional development and enhance performance.

Recommendation 16 (p. 36)

That QCS:

- (a) establish overtime policies and procedures to reduce opportunities for manipulation
- (b) review the staffing model in prisons to provide greater flexibility, reduce the need for overtime and support the recommendations proposed in this report
- (c) establish performance standards for overtime and include overtime as a key performance indicator for prison performance.

Recommendation 17 (p. 36)

That QCS:

- (a) implement an agency-wide, electronic system to record conflicts of interest and management action
- (b) develop and implement a declarable association policy.

Recommendation 18 (p. 37)

That the *Corrective Services Act 2006* be amended to permit an appropriate QCS delegate to direct a person (other than a prisoner) at or entering a prison to submit to a prescribed alcohol/drug test.

Recommendation 19 (p. 38)

That QCS develop an integrity testing regime to identify and strengthen deficient systems and processes, and support the investigation of people suspected of engaging in corrupt conduct.

Recommendation 20 (p. 38)

That the *Corrective Services Act 2006* be amended to grant broader powers to search staff working in prisons.

Recommendation 21 (p. 38)

That QCS establish a dedicated human source unit and review its human source management policy and process to comply with contemporary practice standards.

Recommendation 22 (p. 39)

That QCS review property and exhibit management policies and practices to decrease corruption risk, improve evidentiary value and align with modern standards.

Recommendation 23 (p. 40)

That QCS:

- (a) review closed circuit television coverage to reduce high-risk blind spots
- (b) replace outdated closed circuit television technology to ensure all cameras have the ability to record video footage.

Recommendation 24 (p. 40)

That QCS:

- (a) increase the number of body worn cameras used in Queensland prisons
- (b) revise the body worn camera policy to clearly state when activation is mandatory.

Recommendation 25 (p. 40)

That QCS increase video conference capacity in prisons to reduce the need to transport prisoners to court and health services.

Recommendation 26 (p. 41)

That QCS implement an electronic mail process to decrease the volume of mail entering prisons via the postal service.

Recommendation 27 (p. 41)

That QCS:

- (a) replace the Integrated Offender Management System with a system that meets recognised information management and security standards
- (b) in the interim, and with priority, implement “remediation strategies” to reduce the risk that prisoner information can be inappropriately accessed and released
- (c) identify information management as a strategic risk.

Recommendation 28 (p. 42)

That QCS:

- (a) establish an agency-specific Public Interest Disclosure policy and process
- (b) review the processes and supports available to witnesses and disclosers who are employees

- (c) improve complaint management processes (consistent with the recommendations made by the Queensland Ombudsman in 2016).

Recommendation 29 (p. 42)

That QCS review prisoner complaint processes to:

- (a) improve prisoner understanding of complaint processes
- (b) increase prisoner confidence in the process (with specific objectives of providing confidentiality and reducing the fear of reprisal)
- (c) provide greater consistency across prisons.

Recommendation 30 (p. 45)

That QCS:

- (a) broaden the remit of the Ethical Standards Unit to provide the following functions: prevention and early intervention, professional standards, integrity policy framework, complaints management, investigation, discipline system, witness support, critical incidents, covert operations, and risk management
- (b) review the resources, capabilities, systems and processes required to deliver this broader remit
- (c) implement a staffing model that reduces the risk that staff working in the Ethical Standards Unit will be captured by those who seek to influence the proper delivery of its functions
- (d) review the discipline process to improve timeliness and provide greater consistency for decisions
- (e) establish a discipline unit, reporting to the QCS Commissioner and independent from the Ethical Standards Unit, to deal with discipline matters and develop sanction matrices.

Recommendation 31 (p. 46)

That QCS:

- (a) establish, within the Ethical Standards Unit, dedicated intelligence staff to focus on staff corruption and integrity
- (b) align methodologies, systems and processes used to support the intelligence function with contemporary practice standards
- (c) centralise the intelligence function (see also Recommendation 5(f))
- (d) review policies, systems and processes to appropriately secure intelligence information
- (e) review the intelligence establishment and rostering model to provide an increased level of service to prisons.

Recommendation 32 (p. 48)

That QCS and Queensland Police Service (QPS) collaboratively review the service delivery model used to investigate criminal offences in prisons. The revised model should:

- (a) adequately describe the role and function of the Corrective Services Investigation Unit to assist in performance reporting and review
- (b) ensure that only appropriate incidents are referred to the QPS for investigation
- (c) ensure that matters are assessed, investigated and resolved in a timely manner
- (d) maximise information sharing between QPS and QCS

- (e) reduce corruption risk for QPS investigators working in prisons
- (f) facilitate the use of innovative investigative methods.

Recommendation 33 (p. 51)

The CCC recommends:

- (a) the establishment of a properly resourced Independent Inspectorate of Prisons
- (b) the development of nationally consistent inspection standards, cycles, methods and reporting templates
- (c) inspection reports be made publicly available.

1 Introduction

Background

Prisons in Queensland

Prisons incarcerate and rehabilitate offenders to protect society.¹ There are 14 prisons in Queensland,² comprising 11 high security correctional centres, two low security correctional centres and the Princess Alexandra Hospital Secure Unit. In addition, there are four low security sites (“farms”) and 13 work camps. Two of the high security prisons are privately operated — Arthur Gorrie Correctional Centre (AGCC) and Southern Queensland Correctional Centre (SQCC).

A challenging environment

The custodial environment creates circumstances that are inherently dangerous and conducive to corruption:

- Prisons house a “particularly challenging part of the national population”.³ Many prisoners have poor social, educational and vocational skills, come from marginalised or vulnerable backgrounds, or have special needs that make them highly dependent on correctional officers and put them at risk of being exploited as a result of corrupt activity.
- Prisons hold drug users, violent offenders and seasoned criminals who desire to continue their criminal activities during their sentence and need correctional officers to assist them to carry them out, or at least turn a blind eye. The deprivation of liberty imposed by imprisonment creates conditions conducive to corruption as prisoners seek to gain some control over their lives.
- The closed nature of the environment and lack of public visibility of what goes on behind prison doors creates favourable conditions for corruption and decreases the likelihood that corruption will be detected and exposed.

These features of the custodial environment are not unique to Queensland – they exist across every jurisdiction.

In Queensland, the delivery of custodial services is currently further complicated by a complex model of service delivery and the 2017 Machinery of Government (MoG) changes. Specifically, the complex service delivery model comprises:

- The delivery of a range of functions to incarcerate and rehabilitate offenders, including:
 - the lawful detention of prisoners (e.g. the appropriate security classifications of prisoners, prisoner rehabilitation and progression, and coordination of parole application process)
 - the provision of offender rehabilitation and management services (e.g. programs and education)
 - the operation of prison industry activities⁴ to facilitate the rehabilitation of prisoners
 - the provision of support for cultural needs to prisoners who are Aboriginal and Torres Strait Islander peoples

1 Queensland Corrective Services (QCS) undertakes the following key services for Queensland: administering and managing sentences imposed by the courts; ensuring the safe, secure and humane management of prisoners in correctional centres based on the provisions of the *Corrective Services Act 2006* (CS Act); managing adult offenders in the community; reducing crime and re-offending by delivering evidence-based rehabilitation programs and risk management; providing opportunities for prisoners and offenders to make reparation by performing community service.

2 As declared in Schedule 1 of the Corrective Services Regulation 2017.

3 United Nations Office on Drugs and Crime (UNODC) 2017, p. 9.

4 For example, laundries, metal shops, tailor shops and carpentry.

- the safe and secure transportation of prisoners between corrective services facilities and places where prisoners are required to attend (e.g. court appearances)
- strategic and corporate functions (e.g. strategy and risk management, policy and legislation, finance, human resources, information technology support, legal, and performance).
- A hybrid public–private model, which creates a dual corrections system. In one system, Queensland Corrective Services (QCS) is a service deliverer, focused on delivering the range of functions mentioned above. In the other system, QCS is the contract manager, overseeing the standard of services delivered by private operators but remaining responsible for delivering the range of functions mentioned above.
- Collaboration with other Queensland government departments. Specifically:
 - Queensland Health, via the relevant Hospital and Health Services (HHSs), delivers health services to the incarcerated population in Queensland.⁵
 - The Queensland Police Service (QPS), via the Corrective Services Investigation Unit (CSIU), provides a state-wide investigative response to crime in correctional facilities.
- A capital program responding to increasing prisoner numbers, including the expansion of the Capricornia Correctional Centre (CAPCC), increasing infrastructure at Brisbane Women’s Correctional Centre (BWCC),⁶ and converting SQCC from a male to a female facility.⁷

QCS is also undergoing significant organisational change as a consequence of MoG changes which were enacted on 21 December 2017. Previously, QCS had been a service area within the Department of Justice and Attorney-General (DJAG; since November 2013) and the former Department of Community Safety⁸ (between March 2009 and November 2013). The required changes to formally separate QCS from DJAG and establish QCS as a stand-alone department continue to be implemented. In the CCC’s view, being a stand-alone department will ultimately improve the corruption response in the Queensland custodial environment. However, the transition period, while functions are transferring from DJAG and new capabilities are being established, creates further change and uncertainty in an environment that can create corruption risks if not well managed.

Taskforce Flaxton

Rationale

Taskforce Flaxton commenced in March 2018 and sought to examine:

- (1) corruption and risks of corruption in Queensland corrective services facilities (including 14 prisons (two managed under private contracts), and work camps)
- (2) features of the legislative, policy and operational environment that may enable corrupt conduct to occur or are vulnerable to corrupt conduct
- (3) reforms to better prevent, detect and deal with corrupt conduct within Queensland corrective services facilities.

5 Prior to 2008, the Department of Corrections operated health services in correctional facilities. Between 2008 and 2012, health services to correctional facilities were centrally delivered. In 2012, 16 HHSs were established and operate under a Health Service Board as independent entities. Health services in prisons are currently delivered by the 8 HHSs within which correctional facilities are located.

6 In the 2017–18 State Budget, QCS received funding over two years of \$16 million (including \$3.5 million offset) to increase prison infrastructure at Brisbane Women’s Correctional Centre.

7 This may not be the full extent of the capital program, given business cases have been prepared to support other expansions to Arthur Gorrie Correctional Centre and the Southern Queensland Correctional Precinct (\$1.2b).

8 An amalgamation of the Department of Emergency Services (Queensland Ambulance Service, Queensland Fire Service and the State Emergency Service) and QCS.

The commencement of Taskforce Flaxton was prompted by the corruption risks inherent to the custodial environment, QCS's complex model of service delivery, the 2017 MoG changes, increases in the number of allegations made to the CCC about corrupt conduct⁹ involving staff in Queensland prisons (including suspected under-reporting of corrupt conduct) and the outcomes of a number of CCC investigations that identified possible systemic issues.

CCC jurisdiction

Under the *Crime and Corruption Act 2001* (the CC Act), the CCC has a function to help prevent corruption.¹⁰ The CCC also has a corruption function to raise standards of integrity and conduct in units of public administration (UPAs),¹¹ and an overriding responsibility to promote public confidence in the integrity of units of public administration.¹²

Activities

Public hearing

On 22 March 2018, the CCC announced it would hold a public hearing in relation to Taskforce Flaxton (see the Terms of Reference in Appendix 1).¹³ In coming to this decision, the CCC considered the necessary impact of issues to be canvassed at the hearing relating to exposing inadequacies of the current system. The CCC also considered promoting the need for reform to raise standards of integrity relevant to preventing, detecting and dealing with corruption risks associated with QCS facilities. These issues fall within the CCC's corruption function and overriding responsibility to promote public confidence. These functions and responsibilities could not be achieved by private hearings. The CCC considered that closing the hearing would be contrary to the public interest.¹⁴

In total, 34 witnesses gave evidence at the public hearing, which was held on 14–30 May 2018, 28–29 August 2018 and 19 November 2018. Witnesses included:

- Dr Peter Martin APM, QCS Commissioner
- Mr Samay Zhouand, Chief Inspector (QCS)
- Mr Phil Clarke, Queensland Ombudsman
- eight representatives from key stakeholders, including GEO Group and Serco (the operators of Queensland's private prisons), United Voice and Together Queensland (the two key unions for staff in Queensland prisons), prisoner legal services, and prisoner advocacy groups
- one representative each from Queensland Health and the QPS
- seven senior managers from QCS
- 11 General Managers from QCS (executives with overall responsibility for managing prisons)
- three subject area experts (see Appendix 2 for a full list of witnesses).

9 Corrupt conduct is defined under section 15 of the CC Act. It includes conduct by anyone that adversely affects a public agency or public official so that the performance of their functions or the exercise of their powers: is not honest or impartial, knowingly or recklessly breaches public trust, or involves the misuse of agency-related information or material. It is engaged in for the purposes of providing a benefit to the person or another person, or causing detriment to another person. In addition, the conduct must be serious enough that, if proved, would constitute a criminal offence or disciplinary breach providing grounds for dismissal.

10 Section 23, CC Act.

11 Section 33, CC Act; UPAs include Queensland state government departments and statutory bodies, the QPS, government-owned corporations, local governments, universities and courts.

12 Section 34(c), CC Act.

13 Pursuant to sections 176 and 177(2)(c)(ii) of the CC Act, the Commission authorised and approved the holding of public hearings in relation to Taskforce Flaxton. Under sections 176 and 177, the CCC has the authority to hold public hearings in relation to any matter relevant to the performance of its functions, if it considers that closing the hearing to the public would be contrary to the public interest.

14 Section 177(2)(i) CC Act.

The public hearing was live streamed, with archives of the live stream and transcripts made available online.¹⁵

Submissions

On 26 March 2018, the CCC called for written submissions to Taskforce Flaxton. In doing so, the CCC invited key stakeholders and members of the public to contribute their views regarding corruption and corruption risks in Queensland prisons. An issues paper providing background information and key questions to guide written submissions was made available on the CCC's website. The submission period closed on 13 April 2018. The CCC received 33 submissions, 22 of which were published on the CCC website (confidential submissions were not published).¹⁶

Survey of prison staff and prisoners

Between 12 April 2018 and 4 May 2018, CCC officers visited the 14 Queensland prisons to offer a short anonymous survey to prisoners and staff. The voluntary survey examined perceptions and experiences of a broad spectrum of staff behaviours including assault/excessive use of force, inappropriate disclosure of confidential information, misuse of authority, and inappropriate or unethical relationships.¹⁷ Overall, 3 108 prisoners and 656 staff responded to the survey, representing a 35 per cent response rate from prisoners and an 18 per cent response rate from staff.

Other analyses

The CCC analysed a range of other information, including:

- CCC complaints data and investigative outcomes
- data, policies and reports from QCS, QPS, the DJAG and Queensland Health, and consultations with staff from these agencies
- relevant academic literature and reports from previous inquiries in Queensland and interstate into correctional services.

About this report

Consultation

The CCC has a statutory duty to act independently, impartially and fairly, in the public interest, having regard to the purposes of the CC Act. Accordingly, the CCC gave the draft report to key stakeholders to confirm the accuracy of information contained in the report.

Structure of the report

Corruption and corruption risks in Queensland prisons are influenced by both (a) the drivers of corruption in prisons generally and (b) the approach QCS uses to prevent and deal with corruption and corruption risk. The remainder of the report is therefore divided into two chapters:

- Chapter 2 describes the unique features of the prison environment that increase corruption and corruption risks, and outlines specific corruption risks that manifest in Queensland prisons.
- Chapter 3 outlines an anti-corruption framework that the CCC believes will help QCS to better prevent, detect and deal with corrupt conduct in Queensland prisons and, in doing so, promote integrity and public confidence in QCS.

15 See <www.ccc.qld.gov.au/corruption/taskforce-flaxton>.

16 See <<http://www.ccc.qld.gov.au/corruption/taskforce-flaxton/submissions>>.

17 The survey was reviewed by the CCC Human Research Ethics Advisory Panel to ensure the survey met the highest ethical standards.

2 Corruption and corruption risk in Queensland prisons

Similar to many custodial environments worldwide, the CCC found that the Queensland custodial environment exhibits conditions conducive to corruption. Prison overcrowding, the complex needs of prisoners, the closed nature of the environment, the need for staff–prisoner relationships to deliver dynamic security and the existence of private prisons create significant corruption risks. Taskforce Flaxton also revealed a number of specific corruption risks that are manifesting in Queensland prisons, including excessive use of force, misuse of authority, introduction of contraband, misuse of information and inappropriate relationships. The CCC is of the view that this situation places prisoners and staff working in prisons at risk of harm, and undermines the public’s perception of safety.

Unique features of the prison environment that increase corruption risk

Overcrowding

Increasing prisoner numbers have led to significant overcrowding in Queensland prisons. Between 2013 and 2018, prisoner numbers increased by 43 per cent — from an average of 6 331 (5 724 male, 607 female) prisoners in September 2013, to an average of 9 026 (8 133 male, 893 female) prisoners in September 2018. This has contributed to overcrowding, with current figures showing Queensland prisons are at 125 per cent capacity (see Table A3.1 in Appendix 3). The QCS Commissioner has described overcrowding in Queensland prisons as the “most pressing operational issue” confronting QCS.¹⁸

Overcrowding affects virtually every aspect of the custodial environment. It increases prisoner demand for infrastructure, resources and services, and changes the way custodial services are delivered.¹⁹ For example, overcrowding:

- Makes prisoner classification and separation difficult. A lack of adequate space sees prisoners doubling up in cells originally designed for one person or accommodated on mattresses in common areas in residential units.²⁰ Failing to appropriately separate vulnerable prisoners or prisoners who committed minor offences from more serious and violent offenders undermines prisoner safety and can lead to further criminalisation.²¹
- Negatively affects the provision of efficient and effective health care services to prisoners.²² A recent review of offender health services in Queensland found that there is limited capacity for these services to cope with overcrowding due to the finite physical footprint of prison health centres.²³
- Places strain on critical prison infrastructure, systems and utilities (e.g. water, sewage, sanitation, heating and cooling), which can negatively impact prisoner health.
- Further deprives prisoners of their already limited access to resources, including access to kitchen equipment and telephone calls.

18 Budget Estimates Hearing on 26 July 2018, p. 64 <
https://www.parliament.qld.gov.au/documents/hansard/2018/2018_07_26_EstimatesLAC.pdf>.

19 Submission given by QPS on 13 April 2018 (Submission 22), p. 2; Submission given by the OCI on 20 April 2018 (Submission 26), p. 3; Evidence given by Bernie Kruhse on 28 May 2018, p. 9.

20 Queensland Ombudsman 2016, p. 15

21 UNODC 2013, p. 12.

22 Evidence given by Phil Clarke on 15 May 2018, p. 13.

23 Queensland Health 2018, p. 74.

- Diminishes prisoners' capability for a meaningful "constructive day" and could lead to breaches of international obligations.²⁴ Where prisoners are not meaningfully occupied through time-out-of-cell or participation in employment programs, education or rehabilitation programs,²⁵ boredom can set in.²⁶
- Can increase prisoners' anger and frustration,²⁷ and increase the risk of conflict, violence and serious assaults against prisoners and staff.²⁸ An analysis of data from the last five years shows that as the utilisation rate (a measure of overcrowding) of Queensland prisons increased, so too did prisoner-on-prisoner and prisoner-on-staff assaults, self-harm incidents, and incidents requiring the use of force (see Table A3.2 in Appendix 3).
- Is related to decreases in prisoner employment and time-out-of-cell. Less time-out-of-cell was also related to more prisoner-on-prisoner assaults, self-harm incidents, and incidents requiring the use of force (see Table A3.2 in Appendix 3).

Significantly, given the focus of Taskforce Flaxton, overcrowding also increases the risk of corrupt conduct. The CCC found that as the utilisation rate of Queensland prisons increased, so too did CCC allegations relating to QCS staff and QCS Ethical Standards Unit (ESU) matters (see Table A3.2 in Appendix 3). Additionally, less time-out-of-cell was also associated with more CCC allegations related to QCS staff. More specifically, overcrowding contributes to corruption risk through:

- Greater disruptions to the standard day, allowing corrupt behaviour to be more easily hidden or disguised as normal variations or inconsistencies.
- Greater volatility in the correctional environment, which reduces the capacity of custodial correctional officers (CCOs) to maintain order and security and increases the risk of excessive use of force to deter poor behaviour.²⁹
- More limitations on resources, which increases the value of those resources, or access to those resources, creating opportunities for staff to engage in corruption and misuse their authority.
- A decreased capability for oversight mechanisms to prevent and respond to corruption in prisons.³⁰

The CCC is of the view that alleviating prison overcrowding is essential to reducing corruption risk and corruption in Queensland prisons, but acknowledges that the drivers of prison overcrowding are complex and not easily or quickly addressed. Imprisonment is caused by a range of factors, including crime trends, economic and social disadvantage, criminal justice policies, inadequate use of alternatives to imprisonment, inefficiencies of the justice system, and ineffective reintegration of people following their release from prison.³¹ A greater investment in initiatives that address the root causes of anti-social behaviour, while often initially costly, will reap downstream rewards by reducing offending behaviour that can lead to imprisonment. Further, making better use of effective diversion strategies and alternatives to imprisonment will deliver better crime outcomes and alleviate pressure on the Queensland prison system.

24 UNODC 2015a, pp. 11-12.

25 In its submission, QCS identified that overcrowded correctional centres reduce access to rehabilitation opportunities; Evidence given by Steve Simmons on 30 May 2018, p. 9.

26 Confidential Submission given on 11 April 2018 (Submission 6), p. 1.

27 Submission given by QPS on 13 April 2018 (Submission 22), p. 2; Evidence given by Professor Mark Halsey on 28 August 2018, p. 7; Anonymous submission given on 2 April 2018 (Submission 2), p. 2.

28 Submission given by United Voice (Submission 25) on 19 April 2018, p. 7; Evidence given by Darryll Fleming on 29 May 2018, p. 15; Evidence given by Scott Collins on 28 May 2018, p. 12; Confidential Submission given on 27 March 2018 (Submission 1), p. 1.

29 Submission given by QPS on 13 April 2018 (Submission 22), p. 2.

30 Evidence given by Candice Welsch on 19 November 2018, p. 11.

31 UNODC 2013, pp. 19-30.

In September 2018, in response to concerns about increasing prisoner numbers³² and high rates of recidivism, the Queensland Government asked the Queensland Productivity Commission (QPC) to undertake an inquiry into imprisonment and recidivism in Queensland. The inquiry is examining trends in imprisonment and recidivism rates and the causal factors behind those trends. This includes focuses on young people, women and Aboriginal and Torres Strait Islander peoples; the benefits and costs of imprisonment; and options to reduce imprisonment and recidivism and improve community outcomes.³³ In November 2018, the Productivity Commissioner and CCC Chairperson discussed Taskforce Flaxton findings relevant to prison overcrowding and the CCC is content that the QPC is currently best placed to make recommendations in relation to the complex issue of prison overcrowding.

Complex prisoner population

Queensland's prison population is complex, diverse and high-needs. For example:

- The length of time prisoners are in custody differs. Thirty-two per cent of the Queensland prison population are on remand (unsentenced) and approximately 85 per cent of sentenced prisoners are in custody for longer than 12 months.³⁴
- While the majority of prisoners are male (91%), the number of female prisoners is increasing. Since January 2012, the number of female prisoners in south Queensland has increased by 80 per cent, from 311 to 562 in January 2018.³⁵
- Aboriginal and Torres Strait Islander peoples are significantly over-represented in Queensland's prisons. Aboriginal and Torres Strait Islander peoples account for 31 per cent of the Queensland prison population³⁶ (compared to 4.6% of the Queensland population³⁷).
- Different prisoners present different security risks. For example, protection prisoners, such as high-profile prisoners or child sex offenders, account for 23 per cent of the Queensland prison population. Conversely, gangs, outlaw motorcycle groups and organised crime syndicates present a different security risk.³⁸
- Prisoners often have significant health issues. Prisoners are nine times as likely as the general population to be taking antipsychotics, four times as likely to be taking medications used in addictive disorders and twice as likely to be taking anti-depressants or mood stabilisers.³⁹ Approximately 30 per cent of prisoners have communicable diseases.⁴⁰ Three quarters of prison entrants have evidence of some kind of illicit drug use⁴¹ and two-thirds used illicit drugs in the last 12 months.⁴²
- Almost 50 per cent of people entering prison have disabilities (including cognitive and psychosocial disabilities⁴³), and the incidence of cognitive impairment, acquired brain injury, mental illness or other disabilities within the prisoner cohort is increasing.⁴⁴ Those with disabilities find prison rules

32 The 2018-19 Queensland State Budget Service Delivery Statements for QCS specifies a "facility utilisation" rate of 90-95%. In 2017/18 facility utilisation was 123.4%. <<https://budget.qld.gov.au/files/SDS-Queensland%20Corrective%20Services-2018-19.pdf>>.

33 <https://www.qpc.qld.gov.au/inquiries/imprisonment/>

34 Data provided by QCS for 2018-19 (as at 3 September 2018).

35 Submission given by QCS on 20 April 2018 (Submission 27), p. 7.

36 Data provided by QCS for 2018-19 (as at 3 September 2018).

37 Australian Bureau of Statistics (ABS) 2018.

38 Submission given by the OCI on 20 April 2018 (Submission 26), p. 3.

39 Australian Institute of Health and Welfare (AIHW) 2015a, p. 1.

40 Evidence given by Dr John Wakefield on 19 November 2018, p. 11.

41 Evidence given by Dr John Wakefield on 30 May 2018, pp. 7-8.

42 AIHW 2015b, p. 96.

43 Human Rights Watch (HRW) 2018, p. 1.

44 Evidence given by Dr John Wakefield on 30 May 2018, p. 14; Submission given by OCI on 20 April 2018 (Submission 26), p. 3.

and instructions difficult to understand or follow and, as a result, violate rules more often, and are particularly vulnerable to being victimised.⁴⁵

The complexity and diversity of the Queensland prisoner population influences prison dynamics (e.g. the number and type of incidents occurring in prisons)⁴⁶ and the range and nature of services offered. A range of programs and services is required to create a “constructive day” and these programs must be accessible to prisoners from different backgrounds and with varying capabilities. The prison population also impacts how accommodation is utilised. High-risk and protection prisoners cannot be moved to low security facilities, limiting the available pool from which prisoners for low security facilities can be chosen and contributing to overcrowding in high security facilities. Access to specialist cells for segregation, special management or intensive observation becomes limited with growing prisoner numbers with diverse prisoner needs.⁴⁷

The CCC found that increasing prisoner numbers and complex health needs, in particular, are exacerbating the complexity of providing medical services. Dr John Wakefield described the provision of health services in Queensland prisons⁴⁸ as “services under pressure”.⁴⁹ The recent review of offender health services found:⁵⁰

- there is a lack of suitable medical infrastructure within which to deliver medical services in prisons
- health services are predominantly reactive and focused on the day to day delivery of basic care with little capacity to address issues strategically
- prisoners are experiencing difficulty accessing health services and their health care needs have not been consistently met
- conflict between the corporate objectives of QCS and the delivery of health services (significantly, operational changes made by QCS in response to overcrowding constraining the way health services are delivered).

Significantly, prisoners with special needs are more dependent on services and correctional staff and at risk of being exploited as a result of corrupt conduct.⁵¹ For example, prisoners who require health care:

- are particularly vulnerable to certain types of potentially corrupt behaviour (e.g. the disclosure of confidential health information, certain types of misuse of authority, such as withholding medication or not responding to requests for medical services)⁵²
- are particularly vulnerable to assault/excessive use of force⁵³
- become more vulnerable if their needs are not met (e.g. more likely to violate rules and to take risks to receive the treatment they require).

45 HWR 2018, p. 3.

46 Submission given by the OCI on 20 April 2018 (Submission 26), p. 3; Evidence given by Dr John Wakefield on 30 May 2018, p. 15; Submission given by GEO Group on 18 April 2018 (Submission 24), p. 7.

47 Submission given by QCS on 20 April 2018 (Submission 27), p. 8.

48 In Australia, health services are provided by the federal and state governments, however, prisoner health is the responsibility of only the state government. In Queensland, the Queensland Health is responsible for the delivery of health services, including oral and mental health services, in publicly operated correctional centres and for the delivery of oral and mental health services in privately operated correctional centres. Queensland Health delivers health services via the Hospital and Health Service (HHS) relevant to the prison.

49 Evidence given by Dr John Wakefield on 19 November 2018, p. 6.

50 Queensland Health 2018, p. iii.

51 UNODC 2017, p. 9.

52 During the consultations, the CCC heard that these issues occurred in prisons but did not see any direct evidence during Taskforce Flaxton. Notwithstanding, withholding medication and not responding to medical conditions are corruption risks, if not appropriately prevented or oversighted.

53 Submission given by Prisoners’ Legal Service on 11 April 2018 (Submission 4), p. 3. HRW 2018, p. 43.

The CCC is of the view that the current state of offender health services is magnifying corruption risk in Queensland prisons. The CCC acknowledges Queensland Health's renewed focus on offender health and supports the recommendations made in the Offender Health Services Review Final Report. Importantly, Queensland Health is not solely responsible for prisoner health. The way custodial services are delivered affects prisoner health. QCS must do more to ensure custodial services are delivered in a way that does not exacerbate the health issues or disability challenges that prisoners experience (discussed further in Chapter 3). Similar to issues reported in the Human Rights Report (2018), the CCC identified instances where QCS practices were not appropriately managing prisoners with mental health issues. In the absence of appropriate triage practices and training, custodial staff can fail to recognise behaviour associated with mental health or disability and can misinterpret this behaviour as defiance or disobedience, and respond in way that further traumatises prisoners.

Closed environment

The inherently closed nature of prisons can facilitate and perpetuate corruption. Prisons are isolated from society, and this lack of public scrutiny, when combined with prisoners' loss of self-determination, leaves prisoners vulnerable to having their human rights violated and experiencing harm from corrupt behaviour.⁵⁴

There is widespread recognition that transparency and the proactive disclosure of information are critical to combating corruption in any setting, including prisons.⁵⁵ The greater use of surveillance technology, such as closed circuit television (CCTV) and body worn cameras (BWCs), not only reduces opportunities for prisoners to be mistreated but also improves the capacity of inspectors and oversight agencies to provide greater transparency through robust external oversight and by providing access to appropriate information about prison performance and corruption risk. At the public hearing, Debbie Kilroy highlighted the importance of external oversight:

I think if there's 10 people in a closed institution or 100 people or 1000 people, there's always a risk of corruption. It's not about the numbers. It's about the independence of an overarching checks and balances function that needs to occur in a closed institution.⁵⁶

The CCC formed the view that current inspection arrangements and insufficient proactive information disclosure are weakening the anti-corruption response in QCS (discussed further in Chapter 3).

Relationships and interactions between correctional officers and prisoners

Relationships and interactions between CCOs and prisoners are necessary to maintain order in a prison.⁵⁷ The concept of "dynamic security" refers to managing the prison on the basis of "actions that contribute to the development of professional, positive relationships between prison staff and prisoners".⁵⁸ Actions to rehabilitate prisoners require greater interaction between prison staff and prisoners, including one-on-one interactions.⁵⁹ When staff actively engage with prisoners by observing, listening and engaging in open communication,⁶⁰ they become alert to what is occurring, contribute to less negative behaviour by prisoners,⁶¹ and can proactively identify threats that may compromise the safety and security of the prison. Valuable prison intelligence can also be gathered, identifying actual or potential criminal activities, corruption, escapes or planned incidents of violence and disorder.

54 Evidence given by Philipp Meissner on 19 November 2018, p. 6.

55 UNODC 2017, p. 86.

56 Evidence given by Debbie Kilroy, 16 May 2018, p. 20.

57 McGuire 2018, p. 1.

58 United Nations (UN) 2013, p. 21.

59 Submission given by GEO Group on 18 April 2018 (Submission 24), p. 10.

60 Evidence given by Michael MacFarlane on 30 May 2018, p.15.

61 Evidence given by Peter Henderson on 29 May 2018, p. 12.

While dynamic security provides significant benefits, the staff–prisoner interactions that are fundamental to its success create significant corruption risks. In his evidence, Professor Mark Halsey agreed that there is a tension between undertaking dynamic security and the risk of inappropriate relationships forming,⁶² describing it as “the one main downside of dynamic security”.⁶³

Private prisons

The State is responsible for the humane containment, supervision and rehabilitation of offenders.⁶⁴ A significant proportion of prisoners will be detained in one of Queensland’s two privately operated prisons — AGCC and SQCC.⁶⁵ This marketised approach, where prisons are operated by private, profit-driven organisations, disconnects the State from direct responsibility for the delivery of privately operated prisons. This model creates challenges for the State in ensuring prisoners detained in privately operated facilities are treated humanely and have appropriate access to programs and services. In 2016, the Queensland Audit Office (QAO) reported that the private operators had not consistently met QCS’s expectations for best practice performance against the contracted key performance indicators (KPIs) and identified the need for QCS to strengthen how it manages operator performance to drive continual performance improvement.⁶⁶

Specific corruption risks identified in QCS

This section outlines some of the more evident manifestations of corruption risk that were identified by the CCC during Taskforce Flaxton. These risks have emerged in response to deficiencies in the QCS anti-corruption framework.

Failure to report corruption

Failing to report corruption is a significant issue in Queensland prisons. A CCC survey suggested widespread under-reporting of corrupt conduct by staff and prisoners, and variation in the extent of under-reporting across different types of corrupt conduct and between prisons (see Figure A4.4 in Appendix 4).⁶⁷ This level of under-reporting not only undermines safety and security but also makes it very difficult to accurately assess the extent of corruption in prisons or determine which anti-corruption mechanisms are working well. Analysis suggests that while 223 allegations about staff in Queensland prisons were received by the CCC between October 2017 and March 2018, given the amount of under-reporting indicated by the survey for this six-month period, the expected amount of allegations to the CCC, if all were reported, would more accurately range between approximately 701 and 786 allegations.⁶⁸

62 Inappropriate relationships in this context would constitute any violation of professional boundaries between prison staff and prisoners.

63 Evidence given by Professor Mark Halsey on 28 August 2018, p. 29.

64 Section 3(1) CS Act.

65 As at 9 September 2018, 1183 male prisoners (15%) were detained in AGCC and 156 female prisoners (17%) were detained in SQCC. A larger proportion of male prisoners will have been held in a private prison at some stage because AGCC is the South East Queensland remand centre.

66 QAO 2016, p. 6.

67 Under-reporting was estimated by asking staff and prisoners whether they had seen potentially corrupt behaviours and then asking if they had ever made a complaint about those behaviours. The proportion of under-reporting is equal to the proportion of those who reported they had seen the behaviour but who did not make a complaint.

68 These numbers represent the 95% confidence intervals.

Reasons for staff and prisoners not reporting allegations of corrupt conduct related to culture,⁶⁹ fear of reprisal,⁷⁰ and lack of understanding of corruption and how to report it⁷¹ (Figure A4.5 in Appendix 4). Importantly, these results indicate that more work needs to be done to improve confidence in the complaints process, improve knowledge about how to make a complaint (particularly for prisoners), and provide protections to staff and prisoners who make a complaint about corrupt conduct (discussed further in Chapter 3).

Inappropriate relationships

There is a general consensus that inappropriate relationships are at the core of corruption in prisons, and that they both leverage and generate a culture of secrecy. Inappropriate relationships are cultivated by prisoners, outside associates of prisoners and prison staff (including custodial staff, health workers, instructors, and psychologists) through manipulation, intimidation, threats, coercion and cooperation. Motivations for forming and maintaining inappropriate relationships are typically economic, sexual or emotional in nature.⁷² At the public hearing, Professor Mark Halsey highlighted the central role of inappropriate relationships in prison corruption:

...all forms of correctional corruption start with one inappropriate relationship or another, and that includes the misuse of information, because that officer is obviously getting it for someone for some purpose and that relationship should not exist for that purpose. It is fundamental to the carriage of drugs into prisons and the inappropriate relationships there. And then, of course, which is probably more rare, inappropriate kind of romantic, sexual relationships with officers and prisoners, et cetera.⁷³

The QCS Commissioner indicated that inappropriate relationships were his first priority in seeking to reduce corruption risks in prisons because of their interdependency with other “downstream risks”:

For me, the most important risk, because it is a risk that impacts virtually every other, is the issue of inappropriate relationships as a starting point.⁷⁴

The CCC agrees that inappropriate relationships are a significant corruption risk in the custodial environment and specifically in Queensland prisons. In NSW, Taskforce Themis is assessing the circumstances, investigation and management of inappropriate relationships between CSNSW staff and offenders.⁷⁵ As shown in Figure 1, friendships or personal relationships with prisoners, which can be inappropriate if not appropriately managed, were the most frequent type of conflict of interest declared by QCS staff working in a custodial setting (35%, $n = 37$).⁷⁶ The CCC found that inappropriate relationships were often at the core of allegations of corrupt conduct, and over one fifth of correctional staff and prisoners indicated that they had seen a staff member have an inappropriate relationship with a prisoner (54 per cent of those correctional staff and 77 per cent of those prisoners indicate that they did not report it).

69 “I didn’t think anything would be done about it”, “I’m not somebody who snitches or rats someone out”, “I think it is better to handle these things informally.”

70 “I was concerned that people would find out that I complained and punish me in some way.”

71 “I didn’t think it was serious enough”, “I’m not sure how to report or who to report to.”

72 Confidential Submission given on 5 May 2018 (Submission 30), p. 1.

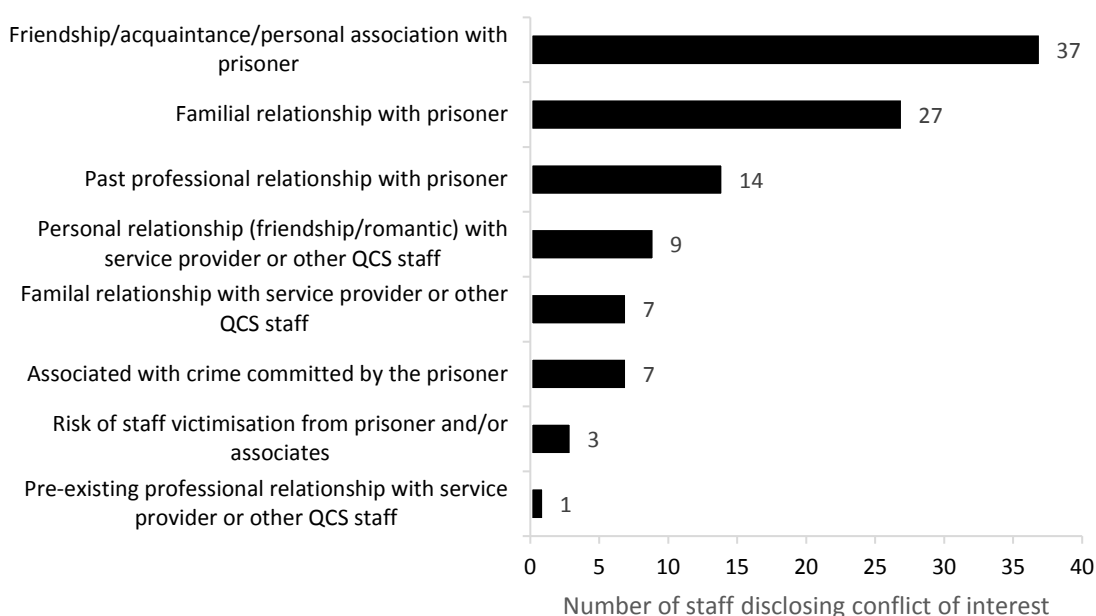
73 Evidence given by Professor Mark Halsey on 28 August 2018, p. 25.

74 Evidence given by Dr Peter Martin APM, 14 May 2018, p. 25.

75 Taskforce Themis terms of reference <<https://www.justice.nsw.gov.au/Pages/media-news/media-releases/2018/task-force-corrective-services-announcement.aspx>>.

76 The CCC analysed four months of Conflict of Interest Declarations (March to June 2018).

Figure 1. Nature of declared conflicts of interest by QCS staff working in a custodial setting (March to June 2018).



Excessive use of force

Correctional officers have the power to use force, other than lethal force, that is reasonably necessary to compel compliance with an order and restrain a prisoner.⁷⁷ The use of force may involve the use of physical force without accoutrements, as well as a gas gun, chemical agent, riot control equipment, a restraining device and a corrective services dog under the control of a correctional officer.⁷⁸ Given the sometimes volatile nature of prisons, force can be necessary and justified. Force is only considered excessive in instances where the force used was not necessary or was in excess of what was reasonable in the circumstances.

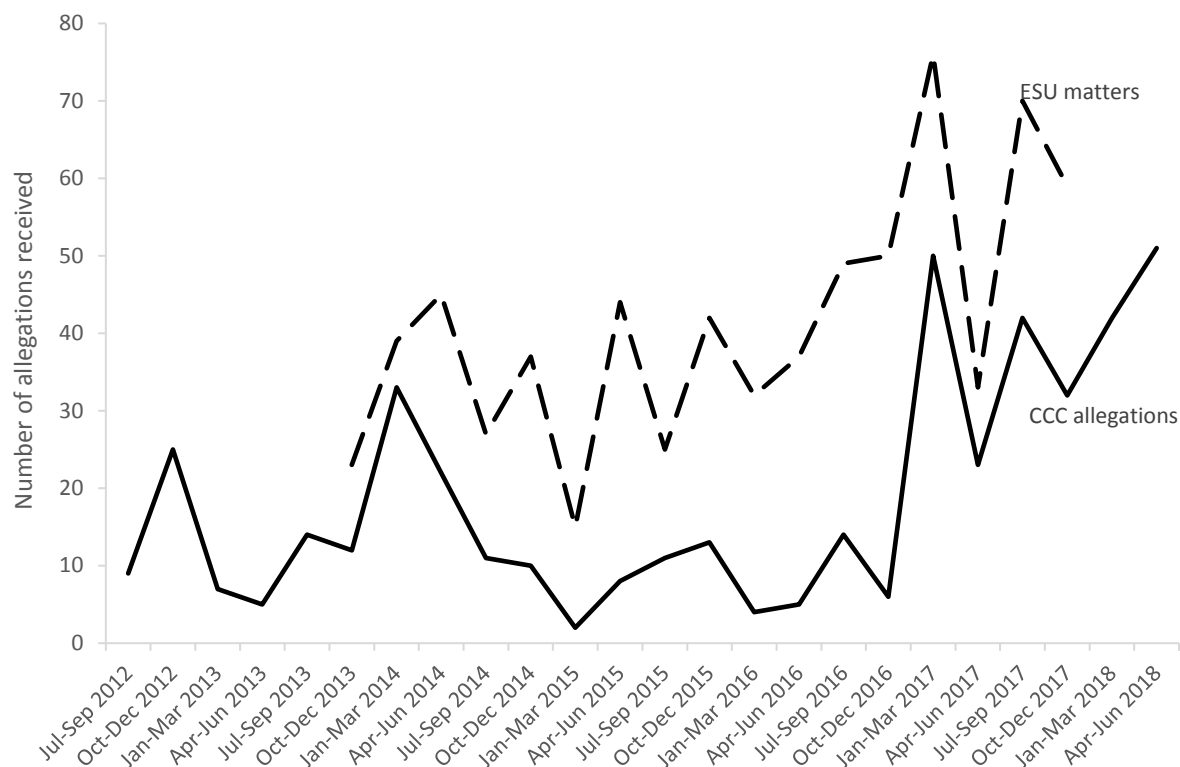
The frequency that force is used in a prison makes excessive use of force a perennial corruption risk in custodial environments. QCS data shows that force was used in over 6 000 incidents in Queensland prisons between July 2013 and December 2017 and that the number of use of force incidents per 100 prisoners increased by 90 per cent between 2013/14 and 2016/17. As incidents involving use of force increase, so too does the possibility that force will be excessive or unreasonable. The CCC found 28 per cent of allegations received by the CCC involving QCS staff were about assault or excessive use of force and 30 per cent of QCS ESU matters were about assault or excessive use of force. Furthermore, the number of allegations and matters about assault or excessive use of force has increased over time (see Figure 2).

Typically, instances of excessive use of force make up more than 10 per cent of substantiated CCC allegations involving QCS staff and QCS ESU matters. ESU matters about assault/excessive use of force that have been substantiated include threats of assault (including verbal threats and gestures), excessive or unreasonable use of force (including the use of approved techniques, such as strikes and restraints, in unnecessary or unreasonable circumstances) and assaults (including pushing, punching, slapping, kicking and the use of unauthorised techniques). Many have occurred during escorts and when entering cells and have involved the use of weapons, such as a dog, OC spray or baton.

⁷⁷ Section 143(1) CS Act.

⁷⁸ Section 143(4) CS Act.

Figure 2. Number of CCC allegations involving QCS staff and QCS ESU matters about assault or excessive use of force (July-September 2012 to April-June 2018).



Results from the CCC’s survey suggest the number of CCC allegations and ESU matters involving excessive use of force is likely to be lower than the actual number of incidents that occur. Figure A4.4 in Appendix 4 shows that 20 per cent of staff and 58 per cent of prisoners indicated that they had seen a staff member physically assault or use force excessively against somebody in the last six months, however, 68 per cent of those staff and 75 per cent of those prisoners indicated that they did not report it.

Misuse of authority

In managing prisoners, correctional officers have the authority to use a range of powers.⁷⁹ These powers are quite extensive, including giving prisoners directions,⁸⁰ using force,⁸¹ conducting searches,⁸² monitoring prisoners’ communications,⁸³ issuing and managing safety orders,⁸⁴ and punishing prisoners for breaches of discipline.⁸⁵ Throughout the consultations, the CCC was told about instances where

⁷⁹ The CS Act outlines these powers and QCS Custodial Operations Practice Directives (COPDs) translate these powers into the operational context.

⁸⁰ Section 20 of the CS Act provides correctional officers with the power to give a prisoner a direction that the officer reasonably believes is necessary for the welfare or safe custody of the prisoner or other prisoners, for the security or good order of a corrective services facility, to ensure compliance with an order given or applying to a prisoner, to ensure a prisoner attends a place to enable a DNA sample to be taken and to ensure the prisoner or another prisoner does not commit an offence or a breach of discipline.

⁸¹ Section 143 CS Act.

⁸² Division 3 CS Act.

⁸³ Division 4 CS Act.

⁸⁴ Section 53 CS Act.

⁸⁵ Chapter 3 Part 1 CS Act.

these powers may have been misused. In addition, the CCC heard about instances where custodial staff misused their authority by encouraging prisoners to assault other prisoners, misrepresenting events or altering official reports, not responding to prisoner requests for assistance (e.g. to receive medication) and failing to report events that are required to be recorded (e.g. prisoner on prisoner assaults).

Between 1 July 2015 and 30 June 2018, misuse of authority⁸⁶ represented more than one in five allegations the CCC received about QCS staff. Figure A4.4 in Appendix 4 illustrates that these behaviours may go under-reported, showing that while 18 per cent of staff and 58 per cent of prisoners indicated that they had seen a staff member abuse their position of power in the last six months, 68 per cent of those staff and 67 per cent of those prisoners indicated that they did not report it.

The CCC examined two legislated powers that have significant implications for prisoners — safety orders and breach of discipline (Text box 1) — to determine how they were being applied. A range of issues that make it difficult to determine whether the powers are being appropriately used were identified. With respect to safety orders, the CCC found:

- inconsistent and incorrect selection of legislative criteria for issuing safety orders and the type of safety order that should be raised⁸⁷
- reasons provided for the raising of safety orders were insufficient because they lacked clear, detailed and individualised documentation⁸⁸
- insufficient information (for example, in case notes) to determine whether prisoners had received an adequate explanation of a safety order, or its reasons and conditions,⁸⁹ or whether procedures around providing hard copies and written notices have been followed.⁹⁰

Text Box 1

Safety orders (s53 CS Act)	Breach of discipline (s113 CS Act)
Safety orders are used to ensure the good order of the centre or protect an individual from self-harm. Safety orders can lead to the segregation of a prisoner and/or place limits on their privileges for a period up to one month.	Breach of discipline is an internal process for prisoner discipline. A breach can lead to the segregation of a prisoner and/or place limits on their privileges for a period up to seven days. A prisoner's breach of discipline history can affect their chances of receiving a lower security classification or being granted parole.

With respect to breach of discipline, the CCC found:

- lack of consistency in breach of discipline practices between prisons⁹¹
- lack of information about the reasons for not breaching⁹²

⁸⁶ Misuse of authority allegations can involve misusing authority to act, or omit to act, to further one's own interests or to favour a family member, friend, associate or benefactor (favouritism), as well as to threaten or cause a detriment (including harassment and bullying) or as a reprisal for making a complaint or public interest disclosure. These allegations do not include matters involving a financial or material inducement for preferential treatment or assault or the threat of physical assault.

⁸⁷ QCS 2017; Submission given by Sisters Inside on 16 April 2018 (Submission 19), p. 2.

⁸⁸ QCS 2017; Office of the Chief Inspector (OCI) 2017a; OCI 2017b.

⁸⁹ OCI 2015; OCI 2014.

⁹⁰ OCI 2015; QCS 2017.

⁹¹ For the period 2016/17, the proportion of matters recommended for breach action by CSIU where breach action was actually taken varied between correctional centres (breach action was taken between five and 68 per cent of the time). When breach action was taken, the use of different types of breach action also varied between correctional centres. For example, use of "separate confinement" ranged from being used in between three and 70 per cent of breach matters and use of "loss of privileges" was used in between five and 53 per cent of breach matters.

⁹² OCI 2015; OCI 2016b; OCI 2016c; OCI 2016d.

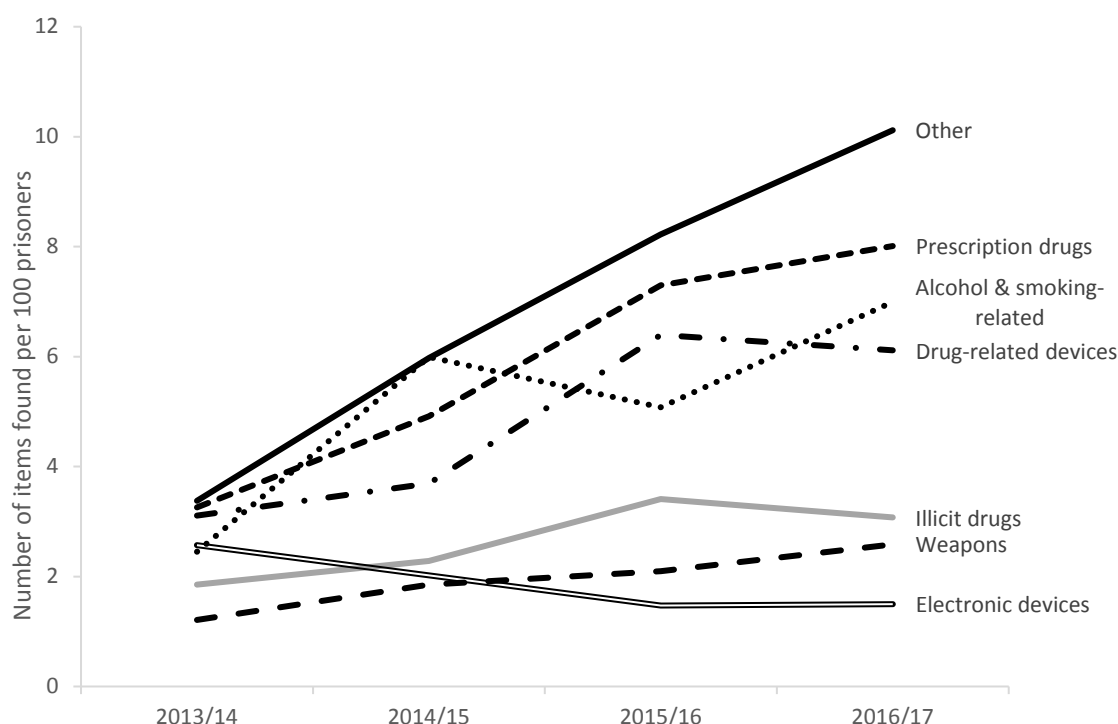
- insufficient information (for example, in case notes) to determine whether prisoners charged with offences through breaches of discipline within prisons were being given correct information, including about their rights and proper procedure.⁹³

Introduction of contraband

There is high demand for contraband in prisons and its presence poses a significant risk to prison safety and security. Contraband and prohibited items (such as illicit drugs, prescription drugs, drug equipment, tattoo guns and implements, phones and SIM cards, and weapons) are brought into prison by visitors (“mules”), prisoners and correctional officers,⁹⁴ dropped by drones, and sent in mail. The CCC identified instances of correctional officers supplying contraband to prisoners for payment and colluding to subvert search procedures.

Data on contraband is difficult to interpret because it can provide evidence of the size and nature of the problem or the effectiveness of detection practices. QCS data indicates over the four years between July 2013 and June 2017 there were approximately 8 800 contraband-related finds in approximately 7 700 *Prohibited Article* incidents. During that period the rate of *Prohibited Article* incidents (per 100 prisoners) increased by 73 per cent and the rate of contraband-related finds increased by 116 per cent. Contraband types increasing the most over time include smoking devices and products, alcohol, tattoo guns and/or implements and drug test decoys (see Figure 3).⁹⁵ Similarly, the rate of *Prisoner Possession of Substance* incidents (per 100 prisoners) increased over time by 167 per cent.

Figure 3. Rates of types of contraband finds in Queensland prisons, 2013/14 to 2016/17.



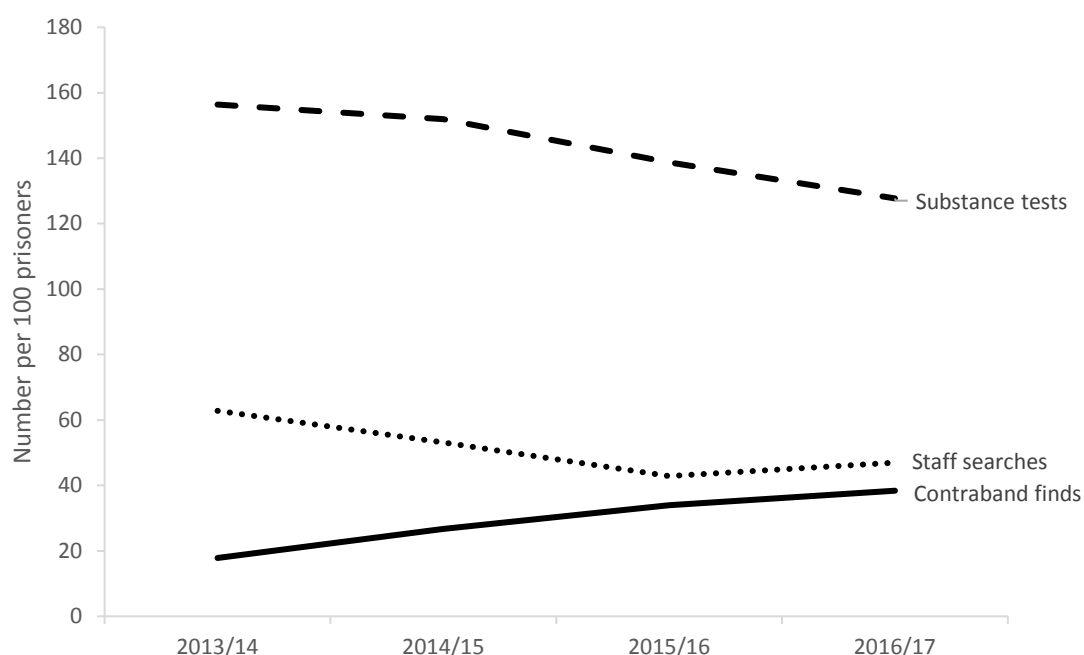
93 OCI 2015; OCI 2016a; OCI 2016b; OCI 2016c; OCI 2016d.

94 Anonymous submission given on 2 April 2018 (Submission 2), p. 4.

95 Note that in 2014 all QCS facilities became smoke free.

For a number of reasons, the CCC is of the view that these figures mask the true extent of contraband in Queensland prisons. The numbers relating to contraband may be lower than the reality because the quantity of testing has decreased over time. The rate of substance tests administered (per 100 prisoners) has decreased by 18 per cent⁹⁶ and the number of staff searches has decreased by 25 per cent. Figure 4 shows that while the rate of substance tests and staff searches in Queensland prisons have decreased over time, the rate of contraband finds has increased. Additionally, only four per cent of QCS ESU matters are about contraband and there is evidence of significant under-reporting by prisoners and staff.⁹⁷

Figure 4. Rates of total contraband finds, substance tests and staff searches in Queensland prisons, 2013/14 to 2016.



Misuse of information

In custodial settings, the existence of confidential information brings with it the potential for misuse. Additionally, the power of knowledge is intensified in these settings by the diverse legislated authority that correctional staff hold and the vulnerabilities of the prisoner cohort. In this context, the access and release of confidential information can have real, severe consequences for the safety and security of prisoners, as well as the correctional facility more generally. For example, staff accessing and releasing information about a prisoner's offence (e.g. sex offences, especially involving children) will have a direct consequence for the safety of that prisoner and any staff required to respond to any violence that may occur as a result of this information being released. Staff having access to confidential information also makes them a target for manipulation and coercion by prisoners or outside associates of prisoners.

Accessing confidential information without authorisation, releasing confidential information without authorisation and lying on an official report are significant issues in Queensland prisons,⁹⁸ and, as shown

⁹⁶ 2013/14 compared to 2016/17. The proportion of positive substance tests have remained relatively stable at just over 28 per cent (2013/14 compared to 2016/17).

⁹⁷ While 13 per cent of staff and 18 per cent of prisoners indicated that they had seen a staff member bring a banned item into the facility, 70 per cent of those staff, and 75 per cent of those prisoners indicated that they did not report it (see Figure A4.4 in Appendix 4).

⁹⁸ Submission given by Office of the Information Commissioner on 16 April 2018 (Submission 20), p. 4.

in Figure A4.4 in Appendix 4, are also likely to be under-reported. The CCC identified instances where CCOs were accessing the Integrated Offender Management System (IOMS) for purposes unrelated to their functions. In some instances CCOs were using this information to extort prisoners, or providing information about prisoners to other prisoners or third parties.

Approximately 13 per cent of allegations involving QCS staff received by the CCC are about misuse of information and these allegations have significantly increased over the last three years.⁹⁹ Similarly, 12 per cent of QCS ESU matters are about misuse of information. Typically, misuse of information represents six and 19 per cent of substantiated CCC allegations and QCS ESU matters, respectively.

⁹⁹ Between July 2015 and June 2018.

3 An improved anti-corruption framework for Queensland prisons

Objectives of the framework

The unique features of the prison environment and the specific corruption risks that manifest in prisons make developing and implementing an effective anti-corruption framework challenging. In the CCC's view, the existing framework operating in Queensland is not effectively preventing, detecting or dealing with corruption risk or corruption in prisons. This outcome may be, at least in part, the consequence of corrections being previously incorporated into broader government portfolios. It is encouraging that since being made a department in December 2017, QCS has identified many of the issues raised in this report and has started addressing them. Given the extent of the reform program currently taking place in QCS, there is little value in comprehensively documenting deficiencies of the existing anti-corruption framework. Rather, this chapter focuses on the critical elements necessary to establish an effective anti-corruption framework for Queensland prisons.

The CCC considers that the following anti-corruption framework, if implemented, would deliver improvements in the following key areas:¹⁰⁰

- **Safety and security:** Despite the obvious challenges, prisons must strive to be places of safety. Improved anti-corruption measures will improve safety for staff and prisoners.
- **Integrity and impartiality:** Ethical standards and integrity are cornerstones of public service program delivery. An improved anti-corruption framework will help ensure that decisions are ethical and impartial, and staff and prisoners are treated with respect.
- **Accountability and transparency:** Public officials working in prisons must uphold the law, policies and procedures, and deliver services in a professional way. Clear lines of responsibility and accountability for decisions is critical for delivering a humane and professional service. As much as possible, information relevant to the operation of prisons should be subject to inspection and public scrutiny.
- **Performance standards:** Prisons are delivering programs and services for the benefit of the people of Queensland. Programs and services must be delivered effectively, efficiently, economically, and in a way that seeks to rehabilitate prisoners and reduce recidivism. Sound prison management practices and preventing corruption are inexorably linked.¹⁰¹ Senior leaders and correctional officers must be equipped and supported to do their job well and measuring performance is essential to raising standards.

Improving QCS organisational performance and internal controls

Strategy and performance

Leadership

Leadership is essential to creating an integrity culture and a sense of shared values. The “tone at the top”, as it is often referred to, underpins an organisation's performance and guides its ethical atmosphere. Put simply, staff are more likely to be concerned with integrity, compliance and performance when management champions these same outcomes. Alternatively, when management

¹⁰⁰ Note that these align with the ethical principles prescribed in section 4(2) of the *Public Sector Ethics Act 1994* (Qld) - integrity and impartiality, promoting the public good, commitment to the system of government, accountability and transparency.

¹⁰¹ UNODC 2017, p. 26.

does not make this commitment, and ethics is viewed as a hindrance to conducting business, a negative ethical culture will result.¹⁰²

The QCS Commissioner has a very clear vision for the agency to become a high-performing and professional public safety agency. The Commissioner stated at the public hearing:

My vision for the organisation is that it is a cutting-edge, top-tier public safety agency focussed on getting very, very good outcomes for the people of Queensland, particularly around the proposition of safety. (Evidence given by Dr Peter Martin APM on 14 May 2018, p. 10)

The Commissioner has also clearly communicated his desire to build a “mature, corruption resistant culture” and explicitly stated his position with respect to fraud and corruption in the agency:

My attitude is that there is no place for corrupt behaviour. There is no place for fraud in Queensland Corrective Services, and I have zero tolerance for any activity that occurs in that domain. (Evidence given by Dr Peter Martin APM, 14 May 2018, p. 29)

The Commissioner has also recognised that the QCS leadership group and General Managers of correctional centres play a critical role in developing and communicating the vision throughout the agency and that this cannot be achieved in “one simple inoculation”.¹⁰³ In the public hearing, the QCS Commissioner stated that:

As I am setting the tone of the organisation, I have an expectation that the Deputy Commissioners, but particularly the General Managers of correctional centres, are pivotal to setting the tone and holding that tone consistent with what I want to achieve from an organisational perspective. (Evidence given by Dr Peter Martin APM on 14 May 2018, p. 29)

The QCS Commissioner must stimulate and support a universal, ethical atmosphere across all 14 of Queensland’s prisons. This is, however, constrained by the public–private model, whereby Queensland’s two private prisons are run by multi-national corporations that have their own “tone at the top” and ethical climate. QCS must also do more to ensure that senior executives (and aspiring leaders) are high performers who can position the agency for success. The CCC observed some very capable leaders, but, it was also evident that some people in leadership positions were less effective and would struggle to deliver the reform agenda. It will be important for QCS to determine the desired leadership capabilities and behaviours and implement a strategy that grows existing talent and attracts new leaders to the agency.¹⁰⁴

Strategy

A good strategy articulates an agency’s vision and how it will get there. Things that matter are included in an agency’s Strategic Plan because they receive greater focus and resources. To transform the agency and build a “mature, corruption resistant culture”, it will be important that the QCS strategic planning process recognise the unique corruption risks that operate in the environment and plan accordingly.

To facilitate this transformation, the QCS is developing a 10-year strategic plan to help position the agency to achieve this vision and address critical issues like overcrowding. In addition to charting a course to address critical issues, the newly released QCS Strategic Plan (2018-2022) identifies the strategic objective to “Work collaboratively with key stakeholders to build and maintain a mature, corruption resistant culture” and recognises the need to proactively identify and mitigate fraud and corruption risk. In doing so, the plan recognises the corruption risks associated with the correctional environment and the link between corruption and the safety of staff and prisoners. The inclusion of

¹⁰² Biegelman & Biegelman 2008, p. 27.

¹⁰³ Evidence given by Dr Peter Martin APM on 14 May 2018, p. 13.

¹⁰⁴ The capability frameworks and strategies published by the Queensland Public Service Commission (PSC) are a useful guide.

corruption in this way is a marked improvement on previous strategic and business plans, which merely referenced integrity and accountability.¹⁰⁵

The CCC is less clear about how QCS will measure its success in building and maintaining a mature, corruption resistant culture. The performance indicators in the Strategic Plan (increased staff agency engagement, assault rates and escape rates) will not provide QCS with sufficient information to assess performance in this area.¹⁰⁶ The CCC is of the view that QCS will need to develop a more comprehensive approach to assess its corruption strategy.

Recommendation 1

That QCS:

- (a) develop a comprehensive measurement strategy to assess the performance of its anti-corruption strategy
- (b) incorporate anti-corruption performance reporting into appropriate governance committees to ensure appropriate oversight
- (c) publicly report anti-corruption performance outcomes.

Governance

Good governance is critical to preventing and dealing with corruption. It is through good governance that agencies set strategic direction, build culture, develop relationships, manage reputation, drive performance, and ensure compliance and accountability. However, establishing good governance in public sector agencies can be challenging, particularly in circumstances where the policy environment and services offered are complex. In meeting their obligations, QCS operates in a demanding area of social and justice policy, delivers a range of functions that require vertical and horizontal specialisation, and executes a hybrid public-private model.

In the CCC's view, prior to the MOG changes and recent reforms introduced under the new Commissioner, the QCS governance framework was deficient. Executing the current strategy and renewed focus on preventing and dealing with corruption will require QCS to review its governance committee structure to provide greater direction, guidance and oversight. QCS has commenced this process and has advised that it will move to a more robust governance structure, as outlined in Figure 5.

Performance

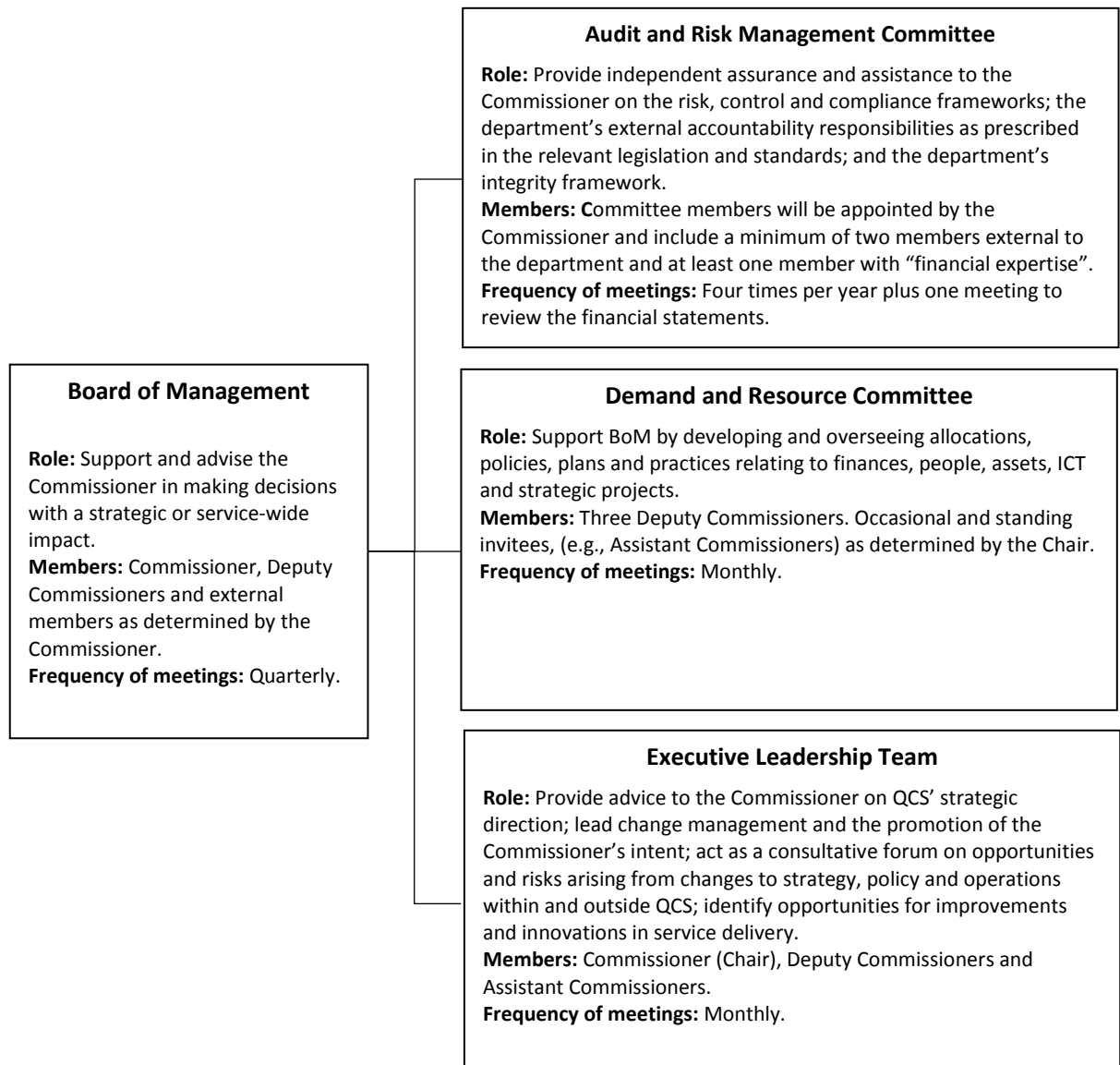
In general, QCS assesses the performance of prisons against the following types of performance measures: safety and security, prisoner rehabilitation, minimum prisoner quality of life, and prison management. However, the dual system operating in Queensland means that performance is assessed differently in publicly operated and privately operated correctional facilities.

Publicly operated correctional facilities are assessed against a range of financial and non-financial KPIs. The Custodial Operations Practice Directive (COPD) establishes operational practices, but no standards or targets are used to assess performance. The absence of performance standards makes it very difficult to assess the performance of publicly operated prisons. The CCC identified a performance framework that generated a lot of statistics, but comparatively little insight or analysis.

105 For example, the Queensland Corrective Services 2017–18 Business Plan, Department of Justice and Attorney-General Strategic Plan 2016–20 <https://www.justice.qld.gov.au/_data/assets/pdf_file/0011/472889/2016-20-diag-strategic-plan.pdf>.

106 The CCC has not reviewed the QCS's Operational Plan 2018–19, which is in the final stages of development (Submission given by QCS on 27 August 2018, p. 5).

Figure 5. Current QCS governance committees



Comparatively, the performance of privately operated correctional facilities is assessed against the relevant contract, contract standards and KPIs. Specifically:

- Contracts, which are incentivised and establish the legal and commercial elements of the operation. Private operators receive financial benefits by delivering on requirements and are penalised for non-performance.
- Contract standards, which specify standards of operation, including compliance with COPDs and other directives.
- KPIs, which establish base level and best practice across multiple areas.¹⁰⁷

Contract management plans for privately operated correctional centres articulate for each KPI the purpose, targets, responsibility, acceptable score, and consequence of variance from the acceptable score.¹⁰⁸ QCS monitors performance in two ways. Contract compliance and compliance with contract standards is monitored by QCS contract managers who are principally located in the privately operated correctional facilities.¹⁰⁹ Monthly performance reports and quarterly performance monitoring and review meetings between QCS and the private operators are used to assess performance and, where appropriate, issue corrective measures, such as issuing a non-compliance notice and modifying an operator's contract. While it is generally accepted that this performance framework is superior to that applied to publicly operated correctional facilities, in their report into the management of private prisons, the QAO formed the view that QCS's performance measures are not sufficient to enable proper assessment of the private operators' performance.¹¹⁰ Specifically, the contracts do not:

- clearly define the objectives of the contractual arrangements
- state the contract deliverables in terms of outcomes to be achieved (instead, performance is assessed against operational performance)
- include all relevant KPIs (for example, important KPIs such as the rate of assaults by staff on prisoners or the use of solitary confinement)
- give the private operators sufficient incentive to innovate
- set an expectation that the private operators should contribute to enhancing the broader operation of QCS to help improve the effectiveness and efficiency of prison operations.¹¹¹

Overall, the existing performance framework makes it difficult to identify correctional facilities that are working well and correctional facilities that are not. This deficiency has been acknowledged by the QCS Commissioner. In the public hearing, when asked about how he oversaw consistency and performance, the QCS Commissioner stated:

I think that's a significant opportunity and I am not confident currently that that is being undertaken to the degree that it could optimally. ...we need to focus on to make sure that we have a fair and accurate set of metrics by which General Managers are held accountable for performance locally at a correctional centre.¹¹²

Measuring the performance of prisons (e.g. costs, efficiency and accountability) is challenging. Numerous reviews have examined the issue and best practice continues to be elusive.¹¹³ Notwithstanding, the CCC suggests there is a clear need to rethink prison standards and the way

107 There are 12 KPIs for GEO Group in relation to the performance of Arthur Gorrie Correctional Centre (see evidence given by Troy Ittensohn on 24 May 2018, p. 6). There are 11 KPIs for SERCO in relation to the performance of Southern Queensland (see evidence given by Mark Walters on 25 May 2018, p. 14).

108 QAO 2016, p. 64.

109 Five out of 10 days.

110 QAO 2016, p. 6.

111 Significant cost savings are being delivered by privately operated correctional facilities, but QCS does not understand the reasons for this.

112 Evidence given by Dr Peter Martin APM, 29 August 2018, p. 7.

113 See for example, Audit Office of New South Wales (AO NSW; 2016) or Andrew, Baker and Roberts (2015).

performance is measured. In the CCC's view, safety and security, integrity and impartiality, accountability and transparency, and performance will be improved through the establishment of a performance framework that is:

- **Consistent:** Uniform performance standards and a uniform performance measurement approach across all Queensland correctional facilities will enable the performance of different prisons to be compared¹¹⁴ and the performance of individual facilities over time to be determined.
- **Balanced and comprehensive:** A balanced approach that includes appropriate cost, input (e.g. staff numbers), output (e.g. programs, activities, wellbeing indicators) and outcome (e.g. rehabilitation, post-release settlement, return to custody) KPIs will ensure that conclusions that are drawn about performance are based on relevant indicators. A full range of KPIs will help QCS to be able to make improved assessments about what works. The CCC recommends the inclusion of KPIs relevant to integrity (e.g. complaints, staff-on-prisoner assaults, overtime).
- **Reliable:** Efforts must be made to improve the quality of data and performance reporting. A number of strategies should be implemented, including triangulating data (including data from prisoners and stakeholders), to reduce the impact of "perverse incentives" to not report incidents that represent negative events (e.g. escape, assault)¹¹⁵ and the potential lack of reliability associated with self-assessment. Improving data quality by implementing data governance standards and standardised reporting rules, and including measures of data quality in performance reports, is recommended.
- **Open and transparent:** Increasing open access to performance information will promote transparency, integrity and accountability, and increase public confidence in the delivery of correctional services in Queensland.

Recommendation 2

That QCS revise the way it measures the performance of prisons. The performance framework should:

- (a) use consistent performance standards and a consistent performance measurement approach across all Queensland prisons
- (b) include all appropriate cost, input, output, and outcome key performance indicators (including integrity measures and data quality measures)
- (c) include strategies to improve data availability and data quality
- (d) provide greater public access to performance indicators and performance reports.

Risk management

An effective risk management process is necessary to identify and mitigate risks and vulnerabilities. The CCC identified a number of deficiencies with respect to the way QCS identifies and manages risk:

- The DJAG Fraud and Corruption Control Policy does not reflect the nature of risk that occurs within custodial environments.
- There appears to be little understanding about what constitutes a corruption risk and corruption risks in prisons are not being identified by prison management or staff.¹¹⁶

114 Noting the significant challenges of doing so, given prisons can have different attributes and a significantly different prisoner composition due to offending history and socioeconomic background.

115 Evidence given by Professor Mark Halsey on 28 August 2018, p. 34.

116 This was evident from the CCC's review of prison risk registers for Queensland correctional centres.

- Guidance in relation to risk is narrowly framed. For example, the “Risk Management” COPD frames risk in the context of “risk of harm to self”¹¹⁷ and “risk to safety and security of corrective services facility.”¹¹⁸ There appears to be little recognition of risks that involve staff.

The newly constituted Board of Management (BOM) is demonstrating strong leadership in this area. The BOM has established a Fraud and Corruption Framework, Policy and Plan Working Group to develop a new fraud and corruption framework appropriate to the QCS context, and to oversee the implementation and evaluation of this new framework. This working group will play a critical role in helping QCS to achieve strategic and operational alignment with respect to corruption and corruption risk, capture the full range of risks that manifest in custodial environments, and develop appropriate performance measures and performance reporting that can be monitored by the governance committee structure. In addition, following the Taskforce Flaxton public hearings, each correctional centre was requested to update its risk register by October 2018 to include the following risks: inappropriate relationships, trafficking of contraband, assault/excessive use of force, and contracts/procurement.¹¹⁹ It may be appropriate for QCS to invest in a Governance Risk and Compliance (GRC) Platform to facilitate an agency-wide approach to risk management.

Recommendation 3

That QCS review its risk management framework to improve the identification, management and oversight of corruption risk.

Organisational structure

Functions, span of control and role clarity

As a component of DJAG, QCS, “didn’t have a structure that reflects a normal departmental structure”.¹²⁰ In particular, the organisational structure consisted of a single Deputy Commissioner for Statewide Operations and a number of Executive Directors who had responsibility for a range of other functions. During the public hearings, issues relating to span of control and lack of role clarity became apparent. In particular:

- The Deputy Commissioner for Statewide Operations’ span of control was significant, capturing the custodial and probation and parole functions.
- The custodial function comprised a General Manager Custodial Operations and the General Managers of correctional centres, in diffusing responsibility.
- Some responsibilities of senior staff lacked clarity or were duplicated across multiple roles. By way of example, when describing the roles and responsibilities of the Deputy Commissioner for Statewide Operations and the General Manager Custodial Operations, the then acting General Manager Custodial Operations stated:

In regard to delineation and division, there is no clarity to that. But our liaison point, we work in the same office, we see each other on a daily basis, we make regular phone contact.¹²¹

Duplicated responsibilities, role confusion, shadow responsibilities and inconsistency increases operational complexity, decreases productivity and increases corruption risk.

117 Including management of at-risk prisoners, management of elevated baseline risk prisoners and hunger strikes.

118 Including assault, sexual assault and substance testing. There appears to be little recognition of risks that involve staff

119 Submission given by QCS on 20 April 2018 (Submission 27), p. 13.

120 Evidence given by Dr Peter Martin APM on 14 May 2018, p. 11.

121 Evidence given by Tamara Bambrick, 14 May 2018, p. 5.

While the CCC did not conduct a comprehensive review of QCS's organisational structure as part of Taskforce Flaxton, the CCC formed the view that the organisational structure, including roles and responsibilities of individual positions, requires further consideration. This is:

- because some of the features discussed above in relation to the high-level QCS structure were evident in other parts of the agency
- because the new strategic intent, including the renewed focus on corruption prevention, may not be best served by the current organisational structure
- to remove outdated and inefficient working practices and processes
- to reorganise internal functions to improve standards, drive performance and deliver efficiencies.

Recognising the structural deficiencies, QCS commenced an organisational redesign process in 2018 and created three new Deputy Commissioner positions: a Deputy Commissioner for Custodial Operations, a Deputy Commissioner for Community Corrections and Specialist Operations, and a Deputy Commissioner for Organisational Capability. This new functional structure more appropriately distributes responsibility for key functions across multiple senior officers, which will reduce complexity and allow greater specialisation.

Recommendation 4

That QCS review its organisational structure to:

- (a) support the delivery of its ten-year strategy
- (b) provide greater role and function clarity (including span of control, reporting lines, delegations and authorisations, employee performance management)
- (c) be sufficiently agile to accommodate future changes in the agency's strategy
- (d) improve standards, drive performance and deliver efficiencies
- (e) promote internal communication.

Centralised and decentralised functions

The QCS service delivery model operates centralised and decentralised functions. General Managers have a great deal of control over the operation of their prison, and in some instances, even where functions are centralised, General Managers can determine how that function will operate in their prison. For example, the QCS Intelligence Group is a central function and provides support to correctional facilities (e.g. training). Local intelligence staff report directly to, and are tasked by, the General Manager. Currently, there is no reporting obligation from General Managers to the QCS Intelligence Group and minimal oversight from the QCS Intelligence Group.

Decisions with respect to centralised and decentralised functions are complex. The most appropriate mix reflects multiple factors, including the strategy and direction of the organisation, geography, the organisation's risk profile and risk appetite, organisational capability, and governance and oversight requirements. Some level of decentralisation is necessary in QCS because prisons are geographically dispersed throughout the state. However, in the CCC's view, greater centralisation of corporate and support functions, at least in the short to medium term, will:

- improve oversight of corruption risk and corruption prevention
- reduce duplication and improve accountability
- facilitate greater control over performance standards and improve consistency
- increase capability for continual improvement and improve knowledge transfer
- better facilitate and consolidate the current reform program.

Recommendation 5

That, at a minimum, the following functions be centrally controlled and services delivered in line with Service Level Standards:

- (a) human resources, including the QCS Academy, workforce planning and talent management and rostering
- (b) finance, including contract management and procurement
- (c) information technology and digital services
- (d) facilities and assets
- (e) ethical standards
- (f) intelligence.

Culture

It is generally accepted that the unique environment in which correctional officers work can contribute to the development of a distinctive “occupational culture” — the set of shared values and norms that influence how officers behave. In its submission, QCS recognised the uniqueness of the custodial environment and the importance of staff in achieving its goals:

The QCS workforce is vital to the department achieving its purpose, with over 4,500 staff working every day to protect the people of Queensland by dealing directly with some of the most dangerous and complex people in our society. The heightened risk of injury and the sustained and intimate contact required with Queensland’s criminal population makes QCS’s workforce unique within Queensland’s public service. (Submission given by QCS on 20 April 2018 (Submission 27), p. 6)

Culture is typically established and maintained through correctional officers’ shared experiences, common training and social interactions. While this “esprit de corps” can provide mutual support and is a means of coping with the daily challenges that correctional officers face, it can also lead to unofficial values and norms that are counter to QCS efforts to create a culture of integrity. The CCC identified a number of indicators that suggest a negative culture in QCS:

- Correctional officers feel undervalued and unsupported.¹²² Despite facing difficult work conditions and playing a pivotal role in managing prisoners to protect the rest of society, the closed environment in which officers work means their work is generally hidden from the public eye, and, consequently, receives little public recognition or support. Recently, negative or critical media coverage has had particularly negative effects on QCS staff performance and morale.¹²³
- Staff have negative perceptions of managers and organisational leadership.¹²⁴ The 2017 Working for Queensland survey results for QCS suggest low perceptions of managers and organisational leadership among staff (particularly for shift workers i.e. correctional officers), especially when compared to the wider Queensland public service. Altogether, this leads correctional officers to “...often feel undervalued... [and] often feel what they are doing is underrated.”¹²⁵
- Workplace bullying is occurring within QCS.¹²⁶ A 2016 QCS survey found 74 per cent of employees reported witnessing or personally experiencing bullying or harassment in their workplace (27% having experienced an incident in the last six months) and that this had had a significant impact on the workplace culture.¹²⁷ The 2017 Working for Queensland survey results for QCS, and the CCC’s survey, suggest this issue remains with 40 per cent and 62 per cent, respectively, reporting having

122 Evidence given by Michael Thomas on 16 May 2018, p. 7.

123 Submission given by QCS on 20 April 2018 (Submission 27), p. 47.

124 Anonymous Submission received on 13 April 2018 (Submission 14), p. 5.

125 Evidence given by Dr Peter Martin APM on 14 May 2018, p. 75.

126 Anonymous Submission received on 13 April 2018 (Submission 14), p. 6.

127 Submission given by QCS on 20 April 2018 (Submission 27), p. 45.

witnessed workplace bullying in the last 12 and six months (38% and 56% of these indicating having reported the bullying, respectively).

- Correctional officers perceive favouritism in the workplace.¹²⁸ The CCC's survey found 76 per cent of correctional officers think that the abuse of one's position to unfairly favour another person (e.g. in recruitment, promotion or supervision) happens in QCS, with 52 per cent reporting having seen it happen in the last six months. These perceptions of favouritism in the workplace can promote distrust and undermine any cultural change program.

A negative organisational culture can enable improper and corrupt behaviours,¹²⁹ and encourage resistance to reporting incidents of improper or corrupt behaviour. This is typically due to peer pressure, intimidation, bullying and staff solidarity or loyalty.¹³⁰ The failure of staff to meet their reporting obligations has a number of serious consequences, including corrupt behaviours going undetected and not being investigated, and placing prisoners and staff at significant risk of harm.¹³¹ The CCC was advised that a negative culture perpetuates the rationalisation of unethical behaviour and can hinder investigations into wrongdoing.¹³²

An organisation with a strong ethical corporate culture is better positioned to deliver good outcomes and better prepared to detect and prevent wrongdoing. Left unaddressed, the "organisational culture challenges"¹³³ discussed above will continue to be a significant corruption risk for QCS. The QCS Commissioner recognises that a positive culture is fundamental to organisational reform:

You can write policy until the cows come home, you can write voluminous amounts of policy, and none of it will be relevant if the culture is wrong. It's a waste of time.¹³⁴

The organisational cultural change program outlined in the QCS submission identifies a number of initiatives, such as training, an enhanced role for the ESU, greater communication about corrupt practices and developing a culture of continuous learning,¹³⁵ that aim to enhance the organisational culture, capability and ethical standards. While these initiatives are a positive step, the CCC suggests that a more comprehensive change program will be necessary to align culture, strategic intent (including the development of a corruption-resistant culture) and performance priorities.

Once again, the public-private model makes developing a positive, corruption-resistant culture difficult. The QCS Commissioner has limited visibility of, and ability to influence, the culture of the private centres.¹³⁶ Given prisoners move between public and private prisons during their sentence, different cultures may adversely affect the experience of prisoners or increase the risk of corruption.

Recommendation 6

That:

- (a) QCS establish an organisational-wide cultural change program to assess current culture, create a shared vision of the ideal culture, develop and implement initiatives to support

128 Anonymous Submission received on 13 April 2018 (Submission 14), p. 6.

129 Confidential Submission received 12 April 2018 (Submission 18), pp. 3-4; Submission (not appropriate for publication) received 13 April 2018 (Submission 12), p. 1.

130 Goldsmith, Halsey & Groves 2016, p. 136.

131 Evidence provided by Troy Ittensohn on 24 May 2018, p.41.

132 Evidence provided by Chief Superintendent Glenn Horton on 17 May 2018, p.22; Confidential Submission received on 29 March (Submission 3), p. 1.

133 Submission given by QCS on 20 April 2018 (Submission 27), p. 4.

134 Evidence given by Dr Peter Martin APM, 14 May 2018, p. 27.

135 Submission given by QCS on 20 April 2018 (Submission 27), p. 43.

136 Other than observations made by visiting the private prisons. Publicly operated prisons participate in the Queensland public sector Working for Queensland survey, but response rates are 41%.

cultural change, and monitor and report on the implementation of initiatives and cultural change

- (b) the organisational-wide cultural change program be monitored by the QCS Board of Management to ensure alignment of culture, strategic intent and performance priorities, and to ensure the program is adequately resourced.

Recommendation 7

That:

- (a) QCS, as contract manager on behalf of the State of Queensland, and private prison providers agree and implement a universal set of culture indicators
- (b) each prison measure culture on an annual basis and publicly release these findings.

Critical capabilities necessary to reduce corruption risk

Organisational capability is critical to organisational performance. Increased capability in a number of key areas is necessary for QCS to deliver its strategic intent and an improved corruption response.

People capability

Human resource management in QCS generally, and QCS's methods for growing their people capability more specifically, is immature, inconsistent and reactive. In addition to being essential to an agency's performance, people capability is central to an agency's response to corruption. People need the skills necessary to be able to perform at their best and to act with integrity. The CCC identified deficiencies in the following strategic human resource functions that, if left unaddressed, are likely to undermine organisational performance and efforts to prevent and deal with corruption:

- inadequate workforce planning¹³⁷
- a training and development approach that focuses on competency and compliance for job elements, not on growing the capability of the workforce
- executive leadership competencies that may not align with public sector standards¹³⁸
- lack of assessment of individual performance¹³⁹ and, when individuals are assessed, a generic and mechanical "one-size-fits-most" approach
- lack of knowledge transfer between different parts of the agency, between the agency and the Inspectorate function and other oversight mechanisms, and between public and private prisons
- lack of analysis to determine the effectiveness of the current approach.

Information management

Information management (IM) refers to the way an agency deals with its information assets and is achieved through infrastructure, systems and processes. An effective IM framework¹⁴⁰ will treat information as a strategic asset and support efficient business, inform decision-making, demonstrate government accountability and transparency, help to mitigate risks, add economic value, and protect

137 The CCC was advised that the QCS does not have a workforce capability plan. Currently, workforce planning is limited to ensuring that appropriate custodial staffing is achieved and maintained and deals with issues such as base level staffing requirements, expected attrition, transfers, and unemployment rates (see submission given by QCS on 20 April 2018 (Submission 27), p. 29).

138 See, for example, the leadership capability profile of the Queensland PSC <<https://www.forgov.qld.gov.au/capability-and-leadership-framework>>.

139 All employees within QCS are required to engage in a Development and Expectations Agreement (DEA) on an annual basis. During the consultations, the CCC was advised that QCS had not conducted its annual performance assessment and development process since 2015.

140 See, for example, the Queensland Government Chief Information Officer *Information management policy framework* <<https://www.qgcio.qld.gov.au/documents/information-management-policy-framework>>.

rights and entitlements. During Taskforce Flaxton, the CCC requested a significant amount of information from various parts of QCS. In the CCC's view, QCS does not have an effective IM framework and an enhanced IM framework is necessary to support QCS's strategic intent and reduce corruption risk. The CCC found:

- Information management practices are outdated, lack coordination and are inefficient
- Information and communication technology (ICT) has not kept pace with industry standards, does not support existing business practices and will be unable to support the business moving forward. In some instances, ICT does not meet basic business needs (e.g. the ESU uses Excel spreadsheets and paper-based files to manage complaints and does not have a complaints management IT solution).¹⁴¹
- Information security, including security of critical IT platforms such as IOMS, does not protect the agency's information assets through safeguarding its confidentiality, integrity and availability.
- Data and information are not being effectively used to deliver insights to the business.

Operational performance reporting

An effective operational performance reporting (OPR) function is critical to assess performance. The QCS does not currently have the OPR framework to enable it to determine whether it has met its strategic objectives, or effectively measure the performance of privately operated or public prisons in Queensland. There is a proliferation of data but less emphasis is placed on interpretation and analysis to assist decisions relating to performance and risk. Importantly, an enhanced OPR function will only be achieved through improvements to strategy, governance, structures, and capability. In the CCC's view, the OPR function should:

- be "ring-fenced" and independent from the activities it reports against
- support performance assessment and innovation
- provide for greater public transparency.

Further, performance assessment should include clear mechanisms for stakeholder engagement.

Ethical Standards Unit

Under DJAG, the ESU was performing well below the standard necessary to effectively prevent and deal with corruption in a complex prison environment. The work of the ESU primarily focused on reactive investigations. There is a clear need for the ESU to have a broader remit, and be appropriately resourced. The role and function of the ESU is discussed in more detail below.

Policy and practice development

QCS uses a policy and practice framework to provide guidance to staff about authorisations and delegations, and desired practices. COPDs specify operating standards and practices for a range of activities. Local instructions are developed locally by prisons to translate COPDs to local conditions and infrastructure. In the CCC's view, COPDs are complex, unclear and inconsistent. Furthermore, there is little central control to ensure local instructions align with COPDs and leverage good practice. An enhanced policy and practice development function is necessary to enable staff to consistently perform at a high standard, provide greater consistency across prisons, support performance management and discipline processes, and identify and leverage good operational practice occurring at the local level.

Contract management

QCS must ensure that private operators deliver prison services to an appropriate standard. Concerns have been raised about the ability of QCS to effectively monitor private contracts (see above). The current approach, which involves QCS monitors attending privately operated prisons five days per fortnight and quarterly performance reviews, appears inadequate to monitor such a high-risk

141 Evidence given by Andrew Ballantyne on 28 August 2018, p. 12.

environment where incentivised contracts can create pressure to misrepresent performance reporting. In its August 2018 submission, QCS indicated that the contract management “monitoring profile” has increased to two monitors in each centre five days per week, and monitoring capability is being reviewed.¹⁴² The CCC suggests that QCS needs to do more to increase its confidence in its ability to hold private providers to account.

Health services and responding to prisoners with health issues

Currently, there is no overarching offender health strategy or governance model in Queensland. Consequently, health services are delivered through a variety of arrangements and there is significant variability in the nature and availability of health services for prisoners.¹⁴³ An effective health service is essential to appropriately manage the significant proportion of the Queensland prison population with acute and chronic medical conditions. Greater collaboration and information exchange between QCS and Queensland Health is necessary to support improved access to health services and prisoner health outcomes.

Recommendation 8

That QCS:

- (a) commission an independent capability review to assess the agency’s capability to efficiently and effectively deliver its strategic intent
- (b) develop strategies to address capability gaps (particularly human resources, information and communication technology, operational performance reporting and ethical standards)
- (c) monitor strategy development, implementation and outcomes at the QCS Board of Management.

Recommendation 9

That QCS:

- (a) establish a centralised function responsible for policy and practice management throughout the agency to promote performance standards and consistency
- (b) review Custodial Operations Practice Directives and local instructions to improve clarity and consistency.

Recommendation 10

That:

- (a) Queensland Health implement the recommendations of the Offender Health Services Review Final Report
- (b) QCS support the implementation of the recommendations of the Offender Health Services Review Final Report
- (c) QCS and Queensland Health jointly identify aspects of the QCS operating model (systems, policies and practices) that undermine the delivery of prisoner health services and QCS, where feasible, change systems, policies or practices to facilitate better prisoner health outcomes.

Specific anti-corruption measures

This section discusses specific measures that are necessary for the establishment of an effective anti-corruption framework in QCS.

¹⁴² Submission given by QCS on 27 August 2018 (Submission 27), p. 19.

¹⁴³ Queensland Health 2018, p. iii.

Code of conduct

The Queensland Government's *Code of Conduct for the Queensland Public Service*¹⁴⁴ (Code of Conduct) sets a clear standard of the behaviours expected of public sector employees with the aim of strengthening organisational integrity and accountability. The Public Service Commission (PSC) has responsibility for the Code of Conduct, but government departments, in this case QCS, are responsible for ensuring employees understand the Code of Conduct and how it applies to their workplace. QCS currently uses the DJAG Workplace Policy, which outlines the standards of behaviour expected of employees and provides the basis for disciplinary action for staff who fail to meet their obligations to maintain public trust and confidence in the integrity and professionalism of QCS and the Queensland public service. QCS recognises that existing and future oversight measures would be enhanced by the development of a stand-alone QCS Code of Practice to complement the Code of Conduct.¹⁴⁵ QCS suggests that this would provide a number of benefits, including:

- providing staff with clear guidance on expectations around appropriate conduct within the complexities of Queensland correctional environments
- providing another standard by which to hold correctional facilities and staff accountable for their own actions
- enabling inspectors and investigators, both internal and external, to apply another level of scrutiny to the conduct of staff as part of their examination process
- providing another mechanism for minimising anti-corrupt practices and ensuring the safe and humane treatment of prisoners whilst also providing a level of protection for staff.¹⁴⁶

Recommendation 11

That QCS develop an agency-specific Code of Practice to complement the Code of Conduct.

HR management

Recruitment and selection

The CCC believes QCS recruitment and selection processes are undermining the development of a strong ethical culture. Three main issues were identified:

- QCS is struggling to attract a high quality pool of applicants,¹⁴⁷ especially for correctional officer positions. The challenging work environment, competitive market, regional locations, and limited public profile of custodial work make it difficult to attract suitable applicants.
- Pre-employment screening and vetting processes are not sufficient to minimise the risk of unsuitable individuals being appointed.¹⁴⁸
- There is a perception that recruitment and selection processes (other than entry-level recruiting) are not merit based. While the CCC did not review all historical recruitment practices, a review of QCS recruitment and selection practices regarding relieving opportunities lends support to the widespread perception that favouritism is occurring in recruitment, selection and promotion (52% of QCS staff reporting having seen this in the last six months). QCS allows staff to relieve in positions for extended periods of time. The CCC's review of current relieving arrangements exceeding 12 months found that 55 employees had spent, on average, 744 days relieving in positions that were not substantially theirs (minimum number of days relieving 366, maximum number of days relieving

144 The *Public Sector Ethics Act 1994* sets the legislative basis for the Code of Conduct.

145 Submission given by QCS on 27 August 2018 (Submission 27), p. 22.

146 Submission given by QCS on 27 August 2018 (Submission 27), p. 22.

147 Submission given by QCS on 20 April 2018 (Submission 27), p. 29.

148 The QPS identified vetting and recruitment as a systemic corruption risk (see submission given by QPS on 13 April 2018 (Submission 22), p. 6); Confidential submission received on 12 April 2018 (Submission 8), p. 2.

2,219).¹⁴⁹ All but two of these relieving arrangements were renewed multiple times without a break in service (one employee had been renewed 13 times). Furthermore, QCS HR data indicates that, despite being required by policy, expressions of interest (EOIs) are not being used to select meritorious candidates.¹⁵⁰

Recruiting high quality people is a critical component of an effective anti-corruption framework. It is equally important to demonstrate that recruitment and selection processes are fair. Embedding corporate values in recruitment strengthens the alignment between an agency's vision and strategy, the people they entrust to deliver this vision and how staff go about their work. More sophisticated and proactive testing, vetting and probity activities in recruitment and selection are important to identify corruption vulnerabilities such as conflict of interests and problematic past behaviour. Additional testing, such as psychometric testing as conducted by private prisons,¹⁵¹ may help QCS to assess an applicant's behaviour traits and ethical decision-making.

The QCS acknowledges the need to review existing recruitment processes to ensure that pre-employment integrity screening processes are robust and fit-for-purpose and that an opportunity exists for the ESU to expand "risk intelligence functions to incorporate more sophisticated and proactive vetting and probity techniques and strategies" into recruitment and selection.¹⁵²

Recommendation 12

That QCS:

- (a) include QCS values in human resource policy and practice (including recruitment and selection and performance management)
- (b) review recruitment and selection policy and practice to ensure they are meritorious and transparent
- (c) strengthen pre-employment screening, vetting and probity processes.

Education and training for staff

Entry-level "onboarding" and training

A lack of consistency in entry-level training, specifically dedicated field training or mentoring, could result in a lack of awareness of corruption risks and a lack of support for inexperienced officers, increasing the risk of corruption in QCS. Entry-level training by the QCS Academy is 10 weeks long and includes two weeks of centre placement (previously three weeks), with one of those two weeks an observation week in a centre.¹⁵³ The content of Serco's and GEO Group's entry-level training must meet the standards and requirements of QCS, however, their programs are shorter than the QCS Academy training and delivered by their own staff.¹⁵⁴ While it is generally appreciated that new recruits represent greater corruption risks, including the potential for being exploited by prisoners,¹⁵⁵ QCS does not adequately manage that risk. Recently graduated CCOs are rostered in the same way as more experienced officers and may very quickly find themselves in higher-risk areas of the prison with little

149 Data provided by QCS. For positions in government-operated prisons only. The analysis showed significant variation across prisons. In two prisons the average number of days relieving exceeded 1000 days.

150 QCS were unable to provide evidence that an EOI had been used to fill (1) 10 vacancies where the initial time period exceeded 365 days, (2) 88 vacancies where the total time period (i.e. involving multiple sequential acting periods) exceeded 365 days.

151 Evidence given by Anthony Voss on 21 May 2018, p. 10; Evidence given by Troy Ittensohn on 24 May 2018, p. 33.

152 Submission given by QCS on 20 April 2018 (Submission 27), p. 12.

153 Evidence given by Alan Butler on 22 May 2018, pp. 5, 9-10.

154 Evidence given by Damien Davie on 16 May 2018, p. 15; Evidence given by Anthony Voss on 21 May 2018, p. 10; Evidence given by Mark Walters on 25 May 2018, p. 22; Evidence given by Troy Ittensohn on 24 May 2018, p. 32.

155 Evidence given by Alan Butler on 22 May 2018, p. 20; Submission given by Serco Australia on 13 April 2018 (Submission 16), p. 9.

guidance from appropriate mentors or supervisors. Unlike other recruit transition programs, such as the QPS's First Year Constable program that begins with an eight week mentor phase where the constable is placed with an experienced officer to learn the basic competencies of general duties policing, newly graduated correctional officers do not participate in any formal, service-wide system of mentoring. There are also no regular checks to identify any practices in correctional centres that are inconsistent with practices learned during entry-level training.¹⁵⁶

Recommendation 13

That QCS develop and implement a formal first year correctional officer graduate program to minimise early exposure to higher-risk environments and provide greater support, training and oversight during initial operational placement.

Ongoing, "refresher" training

The content of mandatory, ongoing "refresher" training for CCOs does not align with high-risk corruption areas.¹⁵⁷ For example:

- Overcrowding: QCS does not provide mandatory refresher training on compassion fatigue or resilience and mental wellbeing.¹⁵⁸
- Complex prisoner cohort: QCS does not have regular refresher training to assist staff to deal with prisoners with cognitive impairment or other forms of disability.¹⁵⁹ The recent Human Rights Watch report regarding the treatment of prisoners with disabilities in Australia recommends that all prison officers receive regular training on how to interact with people with disabilities.¹⁶⁰
- Excessive use of force: Use of force training is conducted annually, however, the CCC was advised that use of force methods are outdated.¹⁶¹ QCS is reviewing use of force practices in prisons to identify ways to provide long term and sustainable improvements in safety.¹⁶²
- Misuse of information: Staff lack a proper understanding of what information they are permitted to access or disclose¹⁶³ and therefore require more regular training on this topic. QCS are developing an e-learning course designed to address staff obligations with regard to the IOMS User Agreement and confidential information.¹⁶⁴
- Inappropriate relationships: QCS does not have regular refresher training in professional boundaries or intelligence awareness.¹⁶⁵
- Misuse of authority: Breach of discipline hearing officers may have a limited understanding of the concepts of the burden of proof and the standard of proof, and how they apply these concepts to breach of discipline proceedings¹⁶⁶ and therefore require more regular training on this topic.

QCS has acknowledged the need to improve its approach to ongoing training. Specifically, it has identified the need to deliver more effective training to improve the workforce culture and limit risks

156 Submission given by QCS on 20 April 2018 (Submission 27), p. 12; Evidence given by Chief Superintendent Glen Horton on 17 May 2018, p. 23.

157 QCS requires CCOs to undertake scheduled refresher training in a number of Correctional Practices Competency Areas. Some areas, such as *Aboriginal and Torres Strait Islander Cultural Awareness* and *Suicide Prevention/Awareness*, are every three years and some areas, such as *Fire Response*, *CPR* and *Control and Restraint*, are every 12 months. Additional training is chosen and organised by centres.

158 Evidence given by Alan Butler on 22 May 2018, p. 26.

159 Evidence given by Darryll Fleming on 29 May 2018, p. 24.

160 HRW 2018, pp. 85-86.

161 Confidential Submission received on 5 May 2018 (Submission 31), p. 1.

162 Submission given by QCS on 20 April 2018 (Submission 27), p. 12.

163 Submission given by DJAG on 13 April 2018 (Submission 11), p. 2.

164 Submission given by QCS on 20 April 2018 (Submission 27), p. 16.

165 Evidence given by Bruce Welk on 25 May 2018, p. 12.

166 OCI 2016c.

associated with potential corrupt conduct, review the refresher training suite (which is currently based on operational priorities) and develop an online learning management system.¹⁶⁷

Recommendation 14

That QCS review mandatory refresher training to include training that responds to the needs of the prisoner cohort and targets high-risk corruption areas.

Staff rotation

Currently, there is no consistent approach to CCO rotation in QCS. Some centres operate unit-level rosters while others rotate staff through different units and accommodation types. In some prisons, staff rotation policies had once been in place but are no longer operating due to concerns about prisoner case management and job satisfaction.¹⁶⁸ During the consultation, the CCC was advised that some CCOs who were rostered in the same location for a period of time established unique “rules” applicable to their particular accommodation unit.

Staff rotation can significantly decrease corruption risk in prisons and is practiced in other professions where inappropriate relationships may develop, including law enforcement and health.¹⁶⁹ Staff rotation improves prison security by reducing the potential for boredom with important but routine tasks,¹⁷⁰ reduces the possibility of inappropriate relationships forming between staff and prisoners, and contributes to professional development as staff gain new skills when they move to different areas.

Recommendation 15

That QCS develop a staff rotation policy to reduce corruption risk, promote professional development and enhance performance.

Rostering and overtime

A prison staffing model is complex and responsive to (a) prison numbers and (b) unplanned events that are not under QCS’s control. Currently, Queensland’s publicly operated prisons operate two 12-hour shifts per day, at an approximate annual cost of \$246.7 million, and supplement this with overtime. In the 2016/17 financial year, correctional officers in publicly operated prisons worked 426 206 overtime hours, at an approximate cost of \$42 million (overtime expense equates to 17% of total salary expense).¹⁷¹

The level of overtime and the way it is allocated concerns the CCC. Staff who become accustomed to receiving overtime and “gear up” their expenses to reflect this higher income can become vulnerable to engaging in corrupt acts for payment as a way to make ends meet. In the public hearing, Professor Halsey identified this gearing up as a corruption risk:

And of course they gear themselves and their mortgages, their cars, their schools for their children, and so forth – in one way, who could blame them, but they gear themselves to that, and then suddenly when the overtime is taken away, they have these commitments and they have to find other ways of meeting that income. So either you scale down your personal life or what you are doing on the home front, et cetera, or you find other ways of meeting that.¹⁷²

167 Submission given by QCS on 20 April 2018 (Submission 27), p. 28.

168 Evidence given by Alan Ingram on 29 May 2018, pp. 11-12; Evidence given by Mark Walters on 25 May 2018, pp. 16-17.

169 Queensland Health (2018) recommends that clinical staff rotate between offender health and other health care settings to maintain skills, develop expertise specific to offender health, enable the development of broader connections across health services and give staff “time out” from the challenging environment (Recommendation W1).

170 UNODC 2017, p. 63.

171 Western Australia Economic Regulation Authority, 2018.

172 Evidence given by Professor Mark Halsey on 28 August 2018, p. 16.

An analysis of the ten highest 2017/18 overtime earners reveals the potential to significantly supplement the base salary of between \$48 538 (entry-level) and \$74 580 (following development and progression). High-overtime supervisors worked between 517 (the equivalent of 43 shifts) and 1 111 (93 shifts) overtime hours equivalent to overtime earnings of between \$42 994 and \$90 238. High-overtime correctional officers worked between 850 (71 shifts) and 1 290 (108 shifts) overtime hours equivalent to overtime earnings of between \$51 233 and \$79 183. These findings show that a correctional officer can effectively double their salary and, given that financial stress can make corruption more appealing, this level of financial gearing is undesirable. These findings also raise concerns with respect to the application of fatigue management practices to avoid exhaustion that reduces a person's ability to perform work safely and effectively, and whether productivity has declined as a result of overtime levels. It is not clear whether the QCS has the data to support such an analysis.

The potential to secure such large amounts of overtime also creates opportunities to manipulate the overtime policy. While the policy requires fair and transparent allocation of overtime, the CCC found that a small number of staff in correctional centres are doing a large percentage of available overtime shifts. There may be legitimate reasons why overtime might be distributed in this way (e.g. some staff may choose to not do overtime). The CCC did not audit overtime, but information provided to the CCC suggests that the overtime system can be manipulated so as to increase the amount of available overtime and ensure that particular individuals are allocated the additional shifts. For example, during the consultations the CCC was advised that individuals schedule sick days and absences in advance and advise the rostering officer that a particular staff member has agreed to do the shift. Given rostering officers are busy, this offer of assistance is welcomed and the shift is allocated to the nominated staff member.

The CCC is of the view that a revised staffing model that provides General Managers with greater flexibility to manage operational needs may reduce staffing costs and overtime (and, in doing so, reduce corruption risk and increase productivity). Importantly, any changes to the staffing model must not compromise the wellbeing of staff or prisoners. The different staffing models operating in other Australian jurisdictions¹⁷³ and internationally may offer some guidance. Other recommendations made in this report will impact the way QCS delivers services in prisons. Consequently, it is appropriate for QCS to conduct a comprehensive review of the staffing model used in prisons to ensure it is able to effectively and efficiently implement this new operating model.

Recommendation 16

That QCS:

- (a) establish overtime policies and procedures to reduce opportunities for manipulation
- (b) review the staffing model in prisons to provide greater flexibility, reduce the need for overtime and support the recommendations proposed in this report
- (c) establish performance standards for overtime and include overtime as a key performance indicator for prison performance.

Conflicts of interest

Public sector employees must act in the public interest. A conflict of interest arises when a personal interest, such as a personal relationship, outside employment, membership of a special interest group, or financial interest, interferes with an employee's ability to act in the public interest.¹⁷⁴ Like all members of the Queensland public service, QCS employees must adhere to the Queensland Public Service Code of Conduct, which requires the disclosure and management of conflicts of interest.¹⁷⁵ The

173 New South Wales – 8 and 12 hour shifts; Victoria – 8, 8.53 and 12 hour shifts; Tasmania – 10 and 12 hour shifts; Western Australia – 8 and 12 hour shifts; Northern Territory – 8 and 12 hour shifts.

174 Public Service Commission (PSC) 2010, p. 5.

175 PSC 2010, pp. 5-6.

CS Regulation further stipulates the need for QCS to keep and implement a conflict of interest policy.¹⁷⁶ Currently, QCS operates under the DJAG Conflict of Interests Policy but has indicated a willingness to transition DJAG policies to QCS policies.¹⁷⁷

QCS does not use a state-wide electronic system to manage conflicts of interest,¹⁷⁸ with conflicts of interest data instead recorded in hard copy and retained in prisons. This approach makes it difficult for the CCC to assess QCS employee's compliance with the Code of Conduct and the DJAG Conflict of Interests Policy, and for QCS to review the way that General Managers manage conflicts of interest. The CCC is of the view that this approach is inadequate given inappropriate relationships are a key corruption risk in prisons generally, and appear to be a particular problem in the Queensland context. Again, a GRC will help facilitate improved corporate governance, risk management and policy compliance.

Recommendation 17

That QCS:

- (a) implement an agency-wide, electronic system to record conflicts of interest and management action
- (b) develop and implement a declarable association policy.

Drug testing

Staff who abuse drugs or alcohol present a very real corruption risk.¹⁷⁹ However, QCS currently has little ability to proactively identify staff who are using substances. According to QCS's submission: "there is no power under the *Corrective Services Act 2006* (CS Act) to direct corrective services officers to undergo drug tests and therefore randomised testing of staff does not occur."¹⁸⁰ This contrasts with the private prisons operating in Queensland, which can direct CCOs to take part in drug testing, and public prisons operating in other Australian jurisdictions, including New South Wales, Western Australia and the Northern Territory where policies or regulations cover drug tests of correctional officers, including randomised testing.¹⁸¹

Drug and alcohol testing can mitigate corruption risk by:

- identifying staff with substance abuse problems
- assisting in the detection of contraband, given the general legislative power to search staff entering facilities has notable deficiencies¹⁸²

176 Section 36 Corrective Services Regulation 2017.

177 Submission given by QCS on 27 August 2018 (Submission 27), p. 14.

178 Other reviews found similar issues. For example, IBAC (2017) found that Corrections Victoria does not have a centralised system for recording and managing declarable associations and Victoria's private prisons also lack systems for recording and managing declarable associations.

179 For example, staff with substance abuse problems are more vulnerable to conditioning and manipulation (UNODC 2017, p. 47; Submission given by GEO Group on 18 April 2018 (Submission 24), p. 10).

180 Submission given by QCS on 20 April 2018 (Submission 27), p. 35.

181 IBAC 2017, p. 25; In Western Australia, the *Prisons (Prison Officers Drug and Alcohol Testing) Regulation 2016* specially deals with the drug testing of prison staff; in New South Wales, staff can be tested for alcohol, prohibited drugs and steroids under their legislation (Part 11, Division 5); in the Northern Territory, the General Manager of a correctional facility may direct a person (other than a prisoner) at or entering a facility to submit to a prescribed alcohol/drug test (*Correctional Services Act 2014*, ss 195 and 145); in South Australia while there are currently no provisions contained in the *Correctional Services Act 1982*, the SA Government recently passed a bill called the *Correctional Services (Miscellaneous) Amendment Bill 2018* to amend the *Correctional Services Act 1982* which will provide the power to institute workplace testing of prison officers, staff and contractors for alcohol and illegal drugs. The Bill was assented to on 27 November 2018 with certain provisions to begin Proclamation on a date to be fixed.

182 Section 173 CS Act requires staff to submit to a general search or scanning search, only provides for searching a staff member on entry, and outlines that the consequence of a staff member refusing to submit to a general search when

- identifying staff who are under the influence of drugs or alcohol and are more likely to engage in problematic decision-making and behaviour, such as excessive or unreasonable use of force.

Recommendation 18

That the *Corrective Services Act 2006* be amended to permit an appropriate QCS delegate to direct a person (other than a prisoner) at or entering a prison to submit to a prescribed alcohol/drug test.

Integrity testing

Integrity testing, which involves intentionally “threatening” a system or process to identify weaknesses, is common in some sectors,¹⁸³ but is relatively unknown in the prison context. The CCC is of the view that an integrity testing regime targeted at systems or processes would assist QCS to identify systems and processes that are inherently vulnerable or not operating as intended. In addition to “hardening” systems and processes, the prospect that an integrity test may operate on any given day may deter staff who seek to manipulate systems or processes for their benefit. As is the case with all such testing regimes, those who are doing the right thing have nothing to fear.

Integrity testing can also be used to identify staff who are engaging in corrupt conduct. This involves “public officials [being] deliberately placed in potentially compromising positions without their knowledge, and tested, so that their resulting actions can be scrutinised and evaluated by their employer or an investigating authority”.¹⁸⁴ This kind of integrity testing is typically conducted as part of an investigation and must be very carefully managed to avoid inducing the person to commit an offence.

Currently, QCS do not conduct integrity testing of systems, processes, or staff. The CCC is of the view that an appropriately managed integrity testing regime will assist QCS to reduce corruption risks in prisons.

Recommendation 19

That QCS develop an integrity testing regime to identify and strengthen deficient systems and processes, and support the investigation of people suspected of engaging in corrupt conduct.

Staff searches

Staff searches mitigate the risk of staff having direct involvement in the introduction of contraband into correctional centres and deter staff from engaging in this behaviour. Section 173 of the CS Act provides a general legislative power to search staff entering corrective services facilities in Queensland.¹⁸⁵ This power, however:

- only requires staff to submit to a general search or scanning search
- only provides for searching a staff member on entry
- outlines that the consequence of a staff member refusing to submit to a general search, when required, is that they may be directed to leave a prison.

In contrast, QCS recently completed a jurisdictional scan in relation to the legislative powers available to search staff and found that other states, including New South Wales, Victoria and South Australia, have

required is that they may be directed to leave a prison. Section 136 CS Act could also be utilised to search a staff member, but only if it was reasonably suspected that they possessed a prohibited item which posed a risk to the security or good order of a corrective services facility.

¹⁸³ Penetration testing, which is an authorised simulated attack on a computer system to assess the security of the system, regularly occurs in the information communication technology setting.

¹⁸⁴ Organisation for Economic Co-Operation and Development 2005, p. 68.

¹⁸⁵ Section 136 CS Act could also be utilised to search a staff member, but only if it was reasonably suspected that they possessed a prohibited item which posed a risk to the security or good order of a corrective services facility.

broader powers in respect of searching persons generally in corrective services facilities.¹⁸⁶ Further, in Queensland the relevant COPD states that staff must be searched, at minimum, every three months.¹⁸⁷ However, evidence from Taskforce Flaxton found that not all correctional centres comply with the requirement.¹⁸⁸ The frequency and nature of searches must not be static or predetermined, but rather be commensurate with the risk.

If there is a very high risk or it's suddenly known that there is a huge influx of drugs into the prison, then you might want to increase the searches during that time. So I think it needs to be commensurate with the risk at the time.¹⁸⁹

Recommendation 20

That the *Corrective Services Act 2006* be amended to grant broader powers to search staff working in prisons.

Prisoner informant management

The use of prisoner informants, or human sources, is well established in Queensland prisons. The information provided by informants is an essential part of prison intelligence, but being an informant is particularly dangerous for the informant and is open to possible abuse.¹⁹⁰ Given the confidential nature of informant management practices, the CCC has not outlined the process or identified deficiencies in this public report. Notwithstanding, in the CCC's view, the QCS approach to human source management does not meet good practice standards and puts prisoners at risk.

Recommendation 21

That QCS establish a dedicated human source unit and review its human source management policy and process to comply with contemporary practice standards.

Property control and exhibit management

In the course of their duties, correctional officers seize items that pose a risk to the security and good order of the prison or safety of people in the prison.¹⁹¹ Over the last five years, QCS recorded 9 074 prohibited article incidents.¹⁹² The CS Act requires seized items be receipted and, if reasonable, returned to the owner or forfeited to the State.¹⁹³ While practices vary across prisons, seized items are generally placed in an exhibit safe that is under the General Manager's control. Because QCS does not have a disposal authority, seized items remain in the exhibit safe until CSIU investigators attend the prison and remove the items.

Effective property control is necessary to support investigations and maintain the evidentiary value of seized items. Sound practices also reduce the risk that seized items can be diverted from seizure and are intentionally recirculated back into the prison environment. The CCC identified instances where the

186 QCS will review existing search powers as part of the broad review of the CS Act. Submission given by QCS on 27 August 2018 (Submission 27), p. 19. In the CCC's opinion, some information in Attachment 2 is incorrect. At pages (1 & 2) of Attachment 2, under the heading – 'Searches of persons – specific provisions', reference is made to sections 251I(1), 251I(2), 251J(1) and 251J(2) of the *Crimes (Administration of Sentences) Act 1999 (NSW)*, however, the information is actually contained in sections 253I(1), 253I(2), 253J(1) and 253J(2). At page 4, reference is made to Regulation 70 of the *Corrections Regulations 2009 (Vic)* and the ability to search a random sample of prisons (not strip search). Regulation 70 actually refers to a random sample of prisoners.

187 QCS COPD – Search.

188 Evidence given by Alan Ingram on 29 May 2018, p. 29; Evidence given by Peter Henderson on 29 May 2018, p. 17.

189 Evidence given by Candice Welsch on 19 November 2018, p. 18.

190 UNODC 2015b, p. 54.

191 Documents to which legal professional privilege attaches must not be seized (Sections 46, 47, 48 and 138 CS Act).

192 Data provided by QCS for the period July 2013 to March 2018.

193 Sections 139, 140 and 141 CS Act.

chain of custody was not clearly established (for example, seized items were not recorded or cross-referenced on incident reports).

Recommendation 22

That QCS review property and exhibit management policies and practices to decrease corruption risk, improve evidentiary value and align with modern standards.

Technology

Closed-circuit television (CCTV) and body worn cameras (BWC)

Some evidence suggests that video surveillance, achieved via CCTV or BWC, can have a modest effect on crime and anti-social behaviour in some contexts.¹⁹⁴ Unfortunately, less evidence exists in relation to its deterrent effects specific to the custodial environment (see, for example, Allard, Wortley and Stewart, 2008). This technology can also deliver a number of other positive impacts. In the policing environment, for example, studies have mostly found that officers wearing BWCs attract fewer complaints, officers wearing BWCs may initiate more field encounters and contacts and BWCs improve the quality and availability of evidence needed to charge individuals with crimes.¹⁹⁵

In the CCC's view, video surveillance can be very useful in assessing and investigating corruption and misconduct allegations. Should a complaint be made (for example, about an unjustified or excessive use of force by a correctional officer) video can provide objective evidence of the events, untainted by personal, possibly unreliable, recollections.¹⁹⁶ QCS also suggest that video footage, particularly from BWC can inform anti-corruption training and development activities for staff.¹⁹⁷

QCS has an extensive CCTV network. The cameras in QCS correctional centres are primarily for movement control where the field of view is focused on specific doors and/or gates. QCS advised that the positioning of cameras, field of view selection and locations with CCTV coverage are aligned to operational needs to deliver situational awareness to areas that historically have a high number of incidents or areas identified by regular operational reviews and investigations.¹⁹⁸ QCS advised that recordings are not available from all of the individual cameras in all of the centres. Where CCTV footage exists, it is retained for 30 days. Evidence provided to Taskforce Flaxton suggests many areas within both public and privately operated correctional centres have incomplete CCTV coverage (known as "blind spots") and cameras that rely on activation by a staff operator.¹⁹⁹

BWCs are used in public and privately operated prisons. QCS first introduced BWCs on a trial basis in early 2017. As at 14 August 2018, QCS has 160 BWCs available for use in publicly operated high-security facilities in Queensland.²⁰⁰ QCS is in the process of providing frontline custodial correctional officers with a load bearing vest for the secure attachment of cameras and other security accoutrements for when they are performing prescribed duties.

The use of BWCs in Queensland prisons is governed by a Deputy Commissioner Instruction entitled *Body Worn Camera - Deployment and Use* (effective 13 July 2017). Under this instruction, the General Manager of each facility is responsible for determining the situations where their cameras will be deployed. A BWC must be set to record when an officer engages with a prisoner, for example in operational incidents, use of force incidents, or where the officer reasonably considers that a prisoner's

194 See, for example, Welsh and Farrington, 2008.

195 Lum, Stoltz, Koper, and Scherer, 2019 (in press).

196 CCC 2018, p. 1.

197 Submission given by QCS on 20 April 2018 (Submission 27), p. 32.

198 Submission given by QCS on 20 April 2018 (Submission 27), p. 32.

199 Submission given by DJAG on 13 April 2018 (Submission 11), p. 2; Submission given by Serco Australia on 13 April 2018 (Submission 16), p. 10; Evidence given by Anthony Voss on 21 May 2018, p. 15.

200 Submission given by QCS on 27 August 2018 (Submission 27), p. 12.

demeanour suggests that the interaction should be recorded. Under this instruction, the General Manager of each facility is responsible for determining the situations where their cameras will be deployed.

The CCC is of the view that additional BWCs are required to meet operational demands and provide greater transparency and accountability. The benefits of BWCs will be maximised if staff have a clear directive about when they should be used. The CCC's view is that agencies wishing to avoid any confusion about the use of BWCs must clearly state in their policy when activation is mandatory and not discretionary. The QCS policy falls short of doing this. QCS has indicated that as additional BWCs are provided to meet operational demand, practices and procedures will be reviewed to determine whether further enhancements are required.²⁰¹

Recommendation 23

That QCS:

- (a) review closed circuit television coverage to reduce high-risk blind spots
- (b) replace outdated closed circuit television technology to ensure all cameras have the ability to record video footage.

Recommendation 24

That QCS:

- (a) increase the number of body worn cameras used in Queensland prisons
- (b) revise the body worn camera policy to clearly state when activation is mandatory.

Video conferencing facilities

Prisoners are frequently transported between prisons, and from prisons to hospital and courts. Depending on the nature of the move and the location, prisoners are moved by QCS or QPS. In 2017/18, QCS facilitated 49 727 prisoner escorts (28 380 were facilitated by prison officers and 21 347 were facilitated by Escort and Security Branch in QCS).²⁰² The CCC heard that prison overcrowding is also increasing prisoner movements.²⁰³

QCS transport vehicles are tracked via GPS and prisoners are monitored by CCTV in escort vehicles. Despite these controls, prisoner movements are inherently risky.²⁰⁴ They provide an opportunity for prisoners to escape and conduct pre-arranged visits with associates where they can receive prohibited items and transport them back to prison. Staff may facilitate or turn a blind eye to these activities and staff who spend long periods of time with the same prisoners may be groomed for corrupt behaviour.²⁰⁵ Escorts and transportation can also impact on the operation of prisons because removing correctional officers from prison to travel with prisoners reduces operational staffing levels.²⁰⁶ In addition to creating safety and corruption risks, prisoner transport is costly and inefficient.²⁰⁷ Queensland prisons use video conferencing facilities to facilitate prisoners remotely appearing at court. However, current video conferencing capacity does not meet demand and prisoners are still being transported to court when

201 Submission given by QCS on 20 April 2018 (Submission 27), p. 33.

202 Per prisoner, single journey (does not include return journey). Data does not include movement of prisoner within a prison or escorts facilitated by QPS. Data provided by QCS.

203 Submission given by GEO Group on 18 April 2018 (Submission 24), p. 7.

204 Evidence given by Keith Ketheesewaran on 21 May 2018, p. 12.

205 See for example, the Western Australia CCC (2018) *Report into inadequate supervision of prisoners whilst in the community*.

206 Escorts that are not facilitated by Escort and Security Branch.

207 While not directly comparable because private contractors transport prisoners in Victoria, a Victorian Auditor-General's report (2014) found that prisoners were not always delivered when or where required and movements to court were cancelled because of inadequate police cell capacity.

their matters could have been attended to via video link. Increasing the use of “telecourt” via video conferencing facilities will decrease corruption risks associated with prisoner transportation. The potential for health services to be remotely delivered via a “telehealth” model has been recommended as a way to increase prisoner access to health services and avoid “unnecessary escorts”.²⁰⁸

Recommendation 25

That QCS increase video conference capacity in prisons to reduce the need to transport prisoners to court and health services.

Electronic mail

Currently, prisoners in Queensland receive hard copy mail through the postal service. Despite the use of detection methodologies (for example mail scanners, drug detection dogs), contraband remains an issue in Queensland prisons. Other jurisdictions have implemented a process to allow prisoners to receive emails.²⁰⁹ Decreasing the volume of mail entering prisons via the postal service may decrease the amount of contraband entering prisons.

Recommendation 26

That QCS implement an electronic mail process to decrease the volume of mail entering prisons via the postal service.

Information security

QCS requires strong information security protocols to reduce the risk of misuse of the significant amount of highly confidential information it holds. Taskforce Flaxton found that QCS’s key electronic information system, IOMS, lacks appropriate access and use controls, and audit functionality. In general, correctional officers have the ability to view personal information about any prisoner. Further, IOMS audit functionality cannot systematically or accurately determine whether access to particular information is necessary or appropriate to the staff member’s role.²¹⁰

As discussed earlier, the access and release of confidential information can have real and severe consequences for the safety and security of prisoners, as well as the correctional facility more generally. QCS’s current electronic information system heightens the risk of corruption because it is inadequate to achieve the desired controls to ensure the security of sensitive information holdings. QCS has issued a statement of works for an independent “health check” of IOMS to assess its functionality against contemporary standards. This health check will identify underpinning issues so that “remediation strategies can be implemented to ensure continued operations until a replacement system, Digital Offender Management Environment (DOME), can be implemented”.²¹¹

Recommendation 27

That QCS:

- (a) replace the Integrated Offender Management System with a system that meets recognised information management and security standards
- (b) in the interim, and with priority, implement “remediation strategies” to reduce the risk that prisoner information can be inappropriately accessed and released
- (c) identify information management as a strategic risk.

208 Queensland Health, 2018, p. xi.

209 For example, New Zealand <https://www.corrections.govt.nz/resources/policy_and_legislation/Prison-Operations-Manual/Communication/c-2.html>

210 Evidence given by Robyn Gregory on 18 May 2018, p. 21.

211 Submission given by QCS on 20 April 2018 (Submission 27), p. 27-28.

Reporting mechanisms

As previously discussed, under-reporting of misconduct and corruption is a significant issue in Queensland prisons. The CCC's survey (see Figure A4.5 in Appendix 4) found that prisoners and staff are reluctant to report corruption because they do not think anything will be done about it, do not want to be a "snitch" or "rat", fear reprisal or do not know how to report their complaint. An effective reporting mechanism is a critical element of any anti-corruption framework. To be effective, reporting mechanisms must be clear, simple and ensure the confidentiality of those providing information. For obvious reasons, a reporting mechanism that operates in a prison environment must meet these objectives.

Prisoners can make complaints in person to their unit officer, through writing to the General Manager of the facility (known as a "blue letter" due to a blue envelope being used), writing to QCS through external mail, via the prisoner telephone system, which provides a free call to stakeholders including the Office of the Queensland Ombudsman, Prisoners' Legal Service, and the CCC, and through Official Visitors which can be in-person, or by telephone and written correspondence.²¹² Staff, who have an obligation to report under the *Public Service Act 2008*, can make a complaint via their line manager. A staff complaint will then make its way through the organisational hierarchy to the General Manager Custodial Operations who will email the complaint to ESU, if appropriate.

In the CCC's view, the current reporting mechanisms operating within QCS are not working well and QCS must do more to encourage prisoners and staff to report misconduct and corruption. The CCC's view aligns with the Queensland Ombudsman, who, in 2016, audited the QCS complaints management system.²¹³ The Ombudsman made six recommendations relating to policies and procedures relevant to complaints processing, staff knowledge and responsibilities in relation to complaints and processes for maintaining and reviewing complaints. QCS advised that it supports these recommendations and is currently transitioning its policies and procedure to a QCS-specific case management system (CMS) that will improve the complaints management process.²¹⁴

The CCC identified a number of additional weaknesses that must be addressed in order to encourage prisoner and staff reporting of allegations of corruption. The prisoner "blue letter" system operates differently in different prisons. In some cases, unit officers are involved in the collection and delivery of blue letter complaints to the General Manager. The CCC identified instances where officers had read and destroyed these complaints. Due to the potential for reprisal, the slightest suggestion that this process can be interfered with will undermine its effectiveness. Further, the variation in processes operating in different prisons creates uncertainty for prisoners who move between centres.

With respect to staff complaints, the CCC raises two concerns. The first, which should be resolved with the implementation of the new CMS, involves the manual process of sending staff complaints in emails. There is a risk that emails will not be forwarded to ESU and complaints will not be appropriately addressed. Second, while supervisors are often the most appropriate person to deal with a complaint, there are also circumstances where the anonymity of a complainant is important. With the transition from DJAG, it is necessary that QCS establishes processes to ensure disclosers receive appropriate protection and support. QCS has advised that there is a need to review the existing support available for witnesses and disclosers.²¹⁵

Recommendation 28

That QCS:

- (a) establish an agency-specific Public Interest Disclosure policy and process

²¹² Submission given by QCS on 20 April 2018 (Submission 27), p. 18.

²¹³ Submission given by QCS on 20 April 2018 (Submission 27), pp. 20-21.

²¹⁴ Submission given by QCS on 20 April 2018 (Submission 27), p. 21.

²¹⁵ Submission given by QCS on 20 April 2018 (Submission 27), p. 24.

- (b) review the processes and supports available to witnesses and disclosers who are employees
- (c) improve complaint management processes (consistent with the recommendations made by the Queensland Ombudsman in 2016).

Recommendation 29

That QCS review prisoner complaint processes to:

- (a) improve prisoner understanding of complaint processes
- (b) increase prisoner confidence in the process (with specific objectives of providing confidentiality and reducing the fear of reprisal)
- (c) provide greater consistency across prisons.

Internal oversight

Ethical Standards Unit

A high performing ESU is a critical capability for a “top-tier public safety agency”.²¹⁶ An effective ESU promotes an integrity culture, discipline and professional practice across the agency, and is necessary to prevent, detect and deal with corruption risks in prisons. It is also necessary for staff and public confidence in the QCS discipline process. A number of criticisms have been made about how this function was and is delivered in the context of prisons. The following issues were identified with respect to the role and function of the ESU:

- The ESU focused on assessing complaints and conducting investigations²¹⁷ and limited resources were directed at more strategic, high-value functions like prevention, early intervention or establishing professional standards across the agency. The ESU does not attend or investigate critical incidents (e.g. deaths in custody) that occur in prisons.²¹⁸
- The ESU receives and deals with all complaint matters, as well as matters that are not complaints.²¹⁹ This demonstrates a lack of understanding of what constitutes corrupt conduct and how to report it. This lack of focus is likely contributing to the lack of timeliness in complaints assessment and lack of accountability at the local level.
- The ESU has limited influence in private prisons. Once a matter has been assessed, it is referred to the private prison to investigate and manage. The ESU has limited ability to influence professional standards or discipline outcomes in private prisons.

The following issues were identified with respect to ESU capability, process and systems:

- Existing resources²²⁰ may not be sufficient to effectively deliver a complaints function and proactive function.²²¹
- The processes used to manage complaints are not clear. There is a lack of understanding about what matters should be referred to the ESU and inconsistency in the way matters are dealt with by the ESU.²²²

216 Submission given by QCS on 20 April 2018 (Submission 27), p. 15.

217 Evidence given by Andrew Ballantyne on 28 August 2018, p. 6.

218 The Chief Inspector investigates “incidents” (Section 294 CS Act), which in the context of prisons include death (other than from natural causes) or serious injury, escape or attempted escape from custody, riot or mutiny.

219 Evidence given by Andrew Ballantyne on 28 August 2018 p. 12.

220 The ESU has an establishment of eight FTE, comprising one Director, four “Ethical Consultants” and two support staff.

221 Confidential Submission received on 11 May 2018 (Submission 32), pp. 4-5.

222 Evidence given by Andrew Ballantyne on 28 August 2018, p. 13; Submission given by Together Queensland on 20 April 2018 (Submission 28), p. 4.

- The ESU is using outdated processes and systems. Low-functionality electronic and paper-based systems contribute to the lack of timeliness of assessment and investigation, and prevent more sophisticated, proactive and preventative work.
- Where a staff integrity matter also includes a possible criminal offence, the matter is referred to the CSIU for assessment. Consideration of the administrative or discipline elements of the matter does not occur until the CSIU refer the matter back to the ESU for action. This delay can mean that risks associated with the matter remain unaddressed.
- The focus on complaints and investigation has eroded the capability of ESU staff to deliver more strategic and proactive ESU functions.
- There is no tenure limit attached to roles in the ESU. It may be appropriate to limit tenure to reduce the risk of capture and facilitate innovation.
- There is a lack of connection between the ESU discipline process and other relevant parts of the QCS business, such as Human Resources and Industrial Relations. This is undermining consistency and timeliness.
- QCS has limited intelligence or covert capability to support the proactive identification and investigation of staff-related misconduct and corruption (see also next section on intelligence).²²³

Prior to the 2017 MOG changes and the establishment of the ESU in QCS, oversight of corruption and misconduct in custodial environments was provided by the DJAG. The QCS Commissioner recognises the importance of the function and acted quickly to migrate the ESU to QCS following the MOG changes.²²⁴ The BOM has also recognised the deficiencies of the former approach and has commenced a significant program of work aimed at enhancing the performance of the ESU function and professional standards across the agency. These initiatives include:

- The establishment of a Discipline Reform Working Group to review the current QCS discipline and complaints management processes.
- A six month trial of a Complaints Assessment Team to address the backlog in ESU investigations and develop a new complaint management model.
- The establishment of a Fraud and Corruption Framework, Policy and Plan Working Group to develop a fraud and corruption framework appropriate to the QCS context, and oversee the implementation and evaluation of this new framework.
- Moving the ESU from the Office of the Chief Inspector to Organisational Capability.

QCS has taken some important initial steps to improve the performance of the ESU function, but in the CCC's view, there is more work to be done. An appropriately resourced ESU with a broader remit is necessary to better prevent, detect and deal with corruption risks in Queensland prisons. The ESU should have the following functions and standards:

- *Prevention and early intervention:* The proactive, early identification of undesirable practices or concerning behaviour is a critical capability for the QCS. It is important for the ESU to transition from a reactive function to a proactive function capable of identifying emerging issues and risks and instigating remedial action. Because of the links between corruption and crime in prison, greater collaboration between the ESU and the QPS's CSIU is necessary to support prevention efforts. Furthermore, an enhanced prevention function requires QCS to develop an intelligence capability dedicated to staff integrity and corruption (see section on Intelligence below).
- *Professional standards:* Clear professional standards are necessary to achieve a "mature, corruption resistant culture" and consistency across Queensland prisons. This capability requires a standards development function and educative function to promote the standards across the workforce. Importantly, the ESU should provide advice to other areas of QCS and clarify reporting obligations

223 Intelligence support is provided by Queensland Corrective Services Intelligence Group (QCSIG). The staff intelligence process is largely limited to QCSIG providing incident reports and intelligence reports; Evidence given by Andrew Ballantyne on 28 August 2018, p. 13.

224 Evidence given by Dr Peter Martin APM on 14 May 2018, p. 29.

to address staff failing to report corrupt conduct. Frontline Professional Practice Managers should be considered as conduits between the ESU and prisons.

- *Integrity policy framework*: The ESU should be responsible for developing and reviewing integrity-oriented policies and procedures, including the Fraud and Corruption Framework, complaint management framework, Public Interest Disclosure framework²²⁵ and specific policies (e.g. conflicts of interest, declarable associations).
- *Complaint management*: The proper and efficient assessment of complaints is central to the effective operation of the ESU function. It is appropriate that the ESU has visibility of all integrity matters to enable it to proactively identify agency-wide risks and implement prevention strategies. However, it is equally important that the ESU develops an effective triage process, where local level issues are identified and resolved at the local level, to promote accountability and develop capability at the local level and allow the ESU to focus on more serious matters. Because of the potential for allegations of corruption to harm staff or prisoners, corruption allegations must be assessed and dealt with in a timely manner.
- *Investigation*: The ESU is the appropriate unit to investigate allegations of corruption, misconduct and serious breaches of discipline (collaborating with the QPS for criminal matters). ESU investigations should be the agency standard and ESU investigators should demonstrate investigative leadership across the agency.
- *Discipline system*: The ESU is the appropriate unit to manage the discipline process, including briefing decision-makers and moving the matter through the legal system if necessary. The new QPS discipline model provides a useful approach to assist QCS to achieve consistent, fair, transparent and timely disciplinary outcomes.²²⁶
- *Witness support*: Lack of confidence in the complaints system and fear of reprisal²²⁷ are significant issues for QCS. The ESU should ensure prisoners, third parties and staff are supported to make complaints, treated fairly, and linked with appropriate support services.
- *Critical incidents*: Critical incidents must be attended and investigated by the ESU to ensure corruption, serious breaches of discipline and unethical conduct is identified and dealt with appropriately, and to identify QCS-wide policies, processes and practices that need to be addressed.
- *Covert operations*: The ESU should have a covert capability to assist it to proactively identify staff engaging in corrupt behaviour. The ESU is also the most appropriate unit to manage a dedicated human source unit.
- *Risk management*: The ESU is well placed to assess, analyse and manage the QCS response to corruption risks, and to coordinate reporting to the appropriate governance and oversight committees.

Recommendation 30

That QCS:

- (a) broaden the remit of the Ethical Standards Unit to provide the following functions: prevention and early intervention, professional standards, integrity policy framework,

225 Obligations are created by the *Public Interest Disclosures Act 2010*.

226 On 11 October 2017, a Memorandum of Understanding was signed by representatives of the CCC, the Queensland Government, the State Opposition, the QPS and QPS unions to progress the reform of the police discipline system in Queensland. While we await further changes to legislation, from 1 July 2018 the QPS have implemented immediate policy reforms aimed at improving how complaints against police are managed. As part of the implementation process the QPS ESC and CCC have agreed to pilot the proposed Abridged Discipline Process (ADP). Under the ADP process the ESC will first consult with the CCC about the proposed disciplinary sanction or management action proposed to be offered to a subject officer. It is anticipated that this will significantly reduce the need for the review of outcomes by the CCC, and will ensure uniformity of sanctions offered under an ADP. The CCC Annual Report provides more information.
<http://www.ccc.qld.gov.au/research-and-publications/publications/ccc/corporate/ccc-annual-report-2017-18/ccc-annual-report-2017-18>

227 Evidence given by Kate Greenwood on 15 May 2018, p. 4.

complaints management, investigation, discipline system, witness support, critical incidents, covert operations, and risk management

- (b) review the resources, capabilities, systems and processes required to deliver this broader remit
- (c) implement a staffing model that reduces the risk that staff working in the Ethical Standards Unit will be captured by those who seek to influence the proper delivery of its functions
- (d) review the discipline process to improve timeliness and provide greater consistency for decisions
- (e) establish a discipline unit, reporting to the QCS Commissioner and independent from the Ethical Standards Unit, to deal with discipline matters and develop sanction matrices.

Intelligence

The QCS Intelligence Group (QCSIG), which is located in the Intelligence and Investigations Branch, provides the QCS's central intelligence function. QCSIG is responsible for supporting the capability and capacity of intelligence in QCS and the coordination of intelligence resources throughout the agency.²²⁸ QCSIG focuses on identifying risks associated with the introduction of contraband to prisons, violence in prisons, and escapes.²²⁹ QCSIG also refers intelligence reports directly to the QPS CSIU, which investigates criminal activity (see below). QCS intelligence officers are also located in prisons to provide a local-level intelligence capability.

The CCC identified a number of deficiencies in the QCS's intelligence capability that are significantly undermining the ability of QCS to proactively identify and prevent corruption in prisons:

- QCS has limited intelligence capability focused on corruption risks and staff integrity. The volume of crime matters that occur in prisons makes it difficult for intelligence officers to dedicate sufficient time and attention to corruption risk. Furthermore, QCS intelligence staff do not have access to all information related to corruption or staff misconduct, as this is the responsibility of the ESU.²³⁰
- The intelligence methodologies and systems used in QCS have not kept pace with developments in the field,²³¹ which undermines the usefulness of the information produced.
- Access controls and audit trails in IOMS are not strong. Prisoners understand these vulnerabilities and do not feel comfortable providing information, which reduces the amount of intelligence being extracted from the prisons. Lack of information security can also expose intelligence to parties who should not see it or compromise investigations.²³²
- There is a sense that criminal matters identified by QCSIG are not being referred to CSIU for investigation, including matters about inappropriate conduct by correctional officers against prisoners.²³³
- Intelligence officers working in prisons report directly to, or through, their relevant General Managers. QCSIG has no line responsibility for these intelligence officers. While a level of local input is important, there is a risk that intelligence officers may be unduly influenced by General Managers, be diverted from organisational priorities and have their objectivity undermined.
- Local intelligence staff work Monday to Friday. To be effective, intelligence needs to be specific, timely and actionable. The absence of intelligence officers on the weekends creates an intelligence gap or delay. It also creates an opportunity for prisoners, their associates and staff who are minded

228 Evidence given by Bruce Welk on 25 May 2018, p. 3.

229 Evidence given by Bruce Welk on 25 May 2018, p. 3.

230 Submission given by QCS on 20 April 2018 (Submission 27), p. 18.

231 Evidence given by Chief Superintendent Glen Horton on 17 May 2018, p. 13.

232 Evidence given by Chief Superintendent Glen Horton on 17 May 2018, p. 15.

233 Evidence given by Chief Superintendent Glen Horton on 17 May 2018, p. 16.

to break the rules to take advantage of decreased levels of surveillance. The unique characteristics of prisons require a constant intelligence capability.

An effective prison intelligence function is a fundamental part of effective dynamic security.²³⁴ QCS has recognised the importance of the function and the deficiencies identified above, and is reviewing its intelligence function.²³⁵ The CCC recommends that the review address the issues identified in Taskforce Flaxton.

Recommendation 31

That QCS:

- (a) establish, within the Ethical Standards Unit, dedicated intelligence staff to focus on staff corruption and integrity
- (b) align methodologies, systems and processes used to support the intelligence function with contemporary practice standards
- (c) centralise the intelligence function (see also Recommendation 5(f))
- (d) review policies, systems and processes to appropriately secure intelligence information
- (e) review the intelligence establishment and rostering model to provide an increased level of service to prisons.

Enhancing external oversight

This section describes the opportunities to enhance external oversight mechanisms of QCS functions and activities, such as the QPS's CSIU, prison inspectorates, and public reporting.

QPS CSIU

QPS's CSIU provides a state-wide investigative response to crime within correctional facilities.²³⁶ QCS funds the CSIU function and a Memorandum of Understanding (MOU) specifies some aspects of the relationship between QCS Internal Investigation Branch (which includes QCSIG) and the CSIU. This MOU expired in November 2015, however, by mutual agreement between QCS and the QPS, the arrangement continues to operate under the terms of the expired MOU. QCS and QPS are reviewing the MOU.²³⁷

QCS must refer all prisoner acts or omissions that could be dealt with either as a criminal offence or as a breach of discipline to the QPS for investigation.²³⁸ The current approach involves the CSIU reviewing QCS Intelligence Reports (via direct access to IOMS),²³⁹ and either retaining incidents for investigation, or referring incidents back to the prison for no further action or breach action. The CCC identified a number of deficiencies relating to the operation of the CSIU and the relationship between it and QCS, specifically the QCSIG and the ESU:

- The expired MOU does not adequately specify the role and function of the CSIU. Consequently, it is difficult to assess the performance of the CSIU, with conflicting views about how effective the unit has been over time.
- The CSIU has a significant assessment load. In 2016/17, the CSIU reviewed 10 063 prisoner-related incidents, which is an increase on previous years (see Table A3.3 in Appendix 3). The CSIU estimates

234 UNODC 2015b, p. 7.

235 Submission given by QCS on 20 April 2018 (Submission 27), p. 18.

236 Submission given by QCS on 20 April 2018 (Submission 27), p. 33.

237 Submission given by QCS on 20 April 2018 (Submission 27), p. 17.

238 Section 114 of the CS Act.

239 The CSIU also reviews QPS incident reports on QPRIME.

that it currently receives between 60 and 70 incidents per day.²⁴⁰ Processing this volume of incidents diverts the unit from more serious matters and conducting proactive operations.

- A significant proportion of matters²⁴¹ were not recommended for breach action or criminal charges. The CSIU indicated that could be because taking action may not be in the public interest (the criminal offence is minor), or the matter may not be productively investigated.²⁴² It may also reflect a lack of understanding about what constitutes an offence or breach of discipline²⁴³ or that QCS is risk averse and refers incidents that are not criminal offences.
- Historically, the CSIU has not recorded incidents referred to it. Prior to March 2018, only incidents that involved an arrest were recorded on the QPS QPRIME system.²⁴⁴ This means that reliable data on the number of criminal allegations in Queensland prisons is not available. Since March 2018, all incidents are recorded on the QPS IMAC system²⁴⁵ and all investigations are recorded in QPRIME (over 500 incidents have been recorded on QPRIME since March 2018).
- The current approach is inefficient. Intelligence Reports provided by prisons can be of low quality and not contain relevant supporting information (e.g. CCTV footage). The time taken to assess complaints delays dealing with staff integrity issues (as discussed above).
- The current approach can be manipulated by QCS staff in a way that decreases the likelihood that an incident will be reviewed by the CSIU, even though the incident is reported on IOMS.
- CSIU is well placed to identify potential prisoner informants but does not appear to perform this role.
- Information exchange between the QPS and QCS (currently via the CSIU, QCSIG and ESU) is not optimal.²⁴⁶ The QPS is limited in what it can legally share with QCS, and outdated QCS and QPS systems make information exchange logistically difficult and inefficient. This lack of information makes managing the prison population difficult.
- There is no tenure limit attached to positions in the CSIU. Investigators can remain in the unit and assigned to an individual prison for an extended period. This creates a risk of investigators developing inappropriate relationships or being groomed for corrupt behaviour.

Recommendation 32

That QCS and Queensland Police Service (QPS) collaboratively review the service delivery model used to investigate criminal offences in prisons. The revised model should:

- (a) adequately describe the role and function of the Corrective Services Investigation Unit to assist in performance reporting and review
- (b) ensure that only appropriate incidents are referred to the QPS for investigation
- (c) ensure that matters are assessed, investigated and resolved in a timely manner
- (d) maximise information sharing between QPS and QCS
- (e) reduce corruption risk for QPS investigators working in prisons
- (f) facilitate the use of innovative investigative methods.

240 Estimate provided by QPS CSIU, including incidents that involve prisoners and staff.

241 Since 2013, between 19 per cent and 37 per cent of matters received by CSIU.

242 For example, because there is insufficient information provided in the Intelligence Report or the complainant elects to not assist the investigation.

243 As specified in section 114 of the CS Act.

244 QPRIME is the Queensland Police Records and Information Management Exchange, QPS's key electronic information system since June 2007.

245 Investigation Management and Control case management system.

246 Evidence given by Andrew Ballantyne on 28 August 2018, p. 30.

Prison inspections

The current QCS prison inspectorate model comprises the Office of the Chief Inspector (OCI). The OCI is a statutory position created under the CS Act to bring impartial scrutiny to the standards and operational practices of QCS.²⁴⁷ In the context of prisons, the functions of the OCI, including the Chief Inspector, are to investigate incidents, inspect corrective services facilities, or review the operations or services offered at a corrective services facility.²⁴⁸ The OCI has the power to enter a corrective services facility, interview a prisoner or staff member and access documents that are relevant to the performance of their duties and do not attract legal professional privilege.²⁴⁹ The OCI's reports, which may include recommendations, are submitted to the QCS Commissioner for consideration and are not publicly available.

The OCI also coordinates the Official Visitor Scheme. The role of an official visitor is to investigate complaints by prisoners about acts or omissions by the chief executive, a person performing a function or exercising a power of the chief executive, or a corrective services officer.²⁵⁰ The QCS Commissioner is not bound by an official visitor's recommendation and an official visitor cannot overrule a decision.²⁵¹

The CCC believes that the current QCS prison inspectorate model does not satisfactorily function in terms of independence, performance and transparency and is thus unable to provide adequate oversight of QCS functions and activities. This increases the risk of corruption in Queensland correctional facilities.

Lack of independence

The current QCS prison inspectorate model does not meet recognised international standards of independence. An effective inspection framework requires a twofold system for regular inspections of prisons and penal services: (a) internal or administrative inspections conducted by the central prison administration; and (b) external inspections conducted by a body independent of the prison administration, which may include competent international or regional bodies.²⁵² The lack of independence of the Chief Inspector function is a significant gap in the oversight framework. While the CCC and the Queensland Ombudsman provide independent oversight, both agencies have niche functions to execute in this regard.²⁵³ In their submission, Legal Aid stated:

...we submit that there is merit in the establishment of an independent inspectorate to oversee the correctional system. Such an inspectorate would be best served by a governing body consisting of a diverse range of government and community representatives, with powers to receive, investigate and act upon complaints by prisoners. (Submission given by Legal Aid on 13 April 2018 (Submission 13), p. 2.)

The lack of independence of the Queensland prison inspection model has been previously identified. The 2016 Queensland Parole System Review (Sofronoff Review) recommended that the Queensland Government establish an Independent Inspectorate of Correctional Services where the appointed Chief inspector would report to Parliament and work collaboratively with the Office of the Queensland Ombudsman.²⁵⁴ The Sofronoff Review also recommended that QCS retain an internal review and investigation function to support the QCS Commissioner, but that this should be in addition to the

247 Submission given by the OCI on 20 April 2018 (Submission 26), p. 2.

248 Section 294 CS Act.

249 Section 303 CS Act.

250 Official Visitor Scheme Manual, August 2018.

251 Section 290(6)(a,b) CS Act.

252 The United Nations *Convention against Corruption*, adopted 2003; Rule 83.1 of The United Nations *Standard Minimum Rules for the Treatment of Prisoners (known as the Nelson Mandela Rules)*, adopted 2015.

253 The CCC is responsible for the investigation of serious or systemic corrupt conduct. The Queensland Ombudsman investigates complaints about services or decisions made by government departments and may also initiate investigations.

254 Queensland Government 2016.

independent inspectorate. The Government supported these recommendations. In its submission, QCS indicated that it is working with relevant agencies to commence the initial work on the recommended Inspectorate and associated legislative requirements, however, little observable progress has been made.

Australia's December 2017 ratification of the Optional Protocol to the Convention against Torture (OPCAT), an international agreement aimed at preventing torture and cruel, inhumane or degrading treatment or punishment, will require immediate government action to establish a truly independent inspection process. As an OPCAT signatory, Australia is required to establish an independent National Preventive Mechanism to conduct independent inspections of all places of detention and closed environments. The UN Subcommittee on the Prevention of Torture would also conduct inspections of prisons and other places of detention.

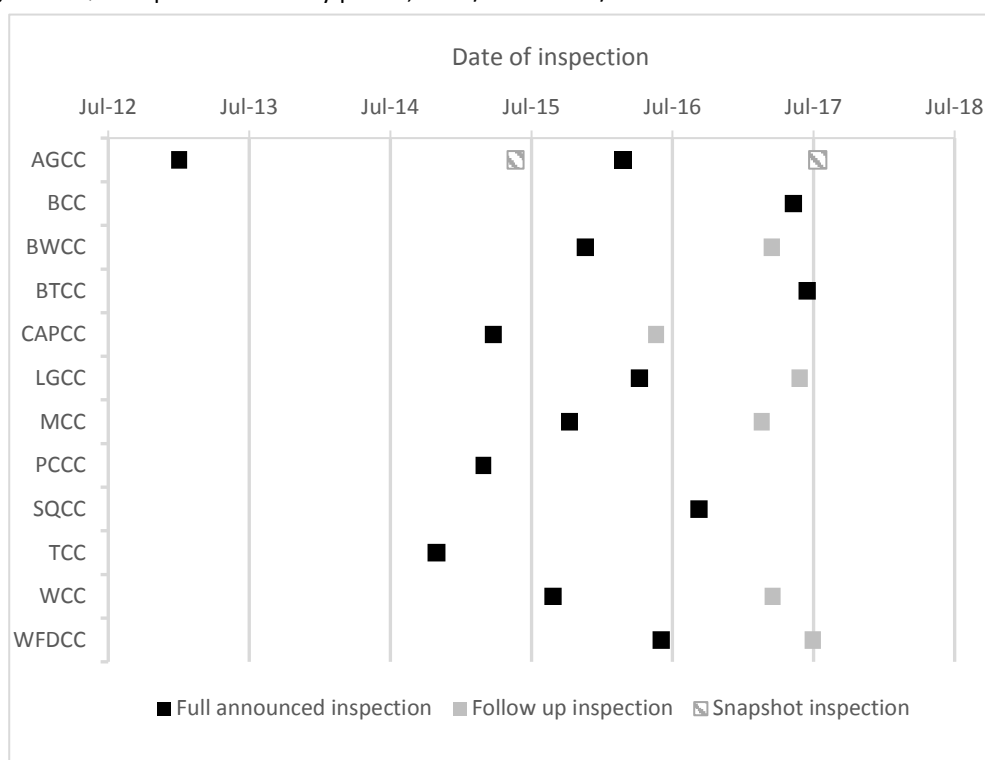
Lack of performance

The Chief Inspector conducts "full announced inspections" and "follow-up inspections", however these are conducted infrequently, may be more focused on process than outcome and recommendations may go unactioned. Inspections are based on the concept of a healthy prison, which was established by the World Health Organisation. According to full announced inspection reports, a "healthy prison" calls for a safe and predictable environment where prisoners are treated with respect as individuals, where prisoners are purposefully occupied and are expected to improve themselves, and where prisoners are able to strengthen links with their families and prepare themselves for release. The Chief Inspector also reviews and makes recommendations in relation to critical incidents and individual cases. A number of issues relating to the performance of the inspection function were identified, including issues relating to the cycle of inspection, the methodology used and the acceptance of recommendations made by the OCI:

- During the hearing, the Chief Inspector stated that, until recently, the inspection cycle comprised of a full-announced inspection with a follow-up inspection 12 months later, meaning inspectors are on site once a year for this purpose.²⁵⁵ However, in reality, the inspection cycle is less frequent, and in some centres, an inspection has not been conducted for a number of years.

255 Evidence given by Samay Zhouand on 15 May 2018, p. 17.

Figure 6. QCS inspection dates by prison, 2012/13 to 2017/18.



Note. The first reported inspection at Arthur Gorrie Correctional Centre (AGCC) is recorded as occurring in 2012, specific date unknown.

- The methodology used by the Chief Inspector to inspect the prisons is generally consistent with other jurisdictions and delivers a consistent inspection report. However, some stakeholders suggested that the approach is mechanical and is more focused on process than outcome. At the public hearing, Peter Henderson, General Manager of Borallon Correctional Centre, reflected on the performance of his centre against Chief Inspector key performance indicators and stated:

It was hard to contextualise to the inspectors, because most of the inspectors, the standard questions and answers fit a standard correctional centre. Ours is not a traditional correctional centre, and it's run differently, which took a lot for them to understand.²⁵⁶

- Information relating to the acceptance and implementation of recommendations made by inspectors was inconclusive. The Chief Inspector's self-analysis of recommendations made since 2011 found that 91 per cent had been accepted and implemented by QCS (612 of 627 recommendations in total). Compared to an analysis of 28 prison inspection reports published by Her Majesty's Inspectorate of Prisons in the year to August 2017,²⁵⁷ the Chief Inspector's analysis appears to paint an extraordinarily positive picture. This contrasts with evidence the Chief Inspector provided in the public hearing, where he indicated:

Then it is the reviews, the individual reviews that we do, the snapshot reports that we do, the day-to-day emails, recommendations, and so on, that I make - they go largely to the Commissioner or to the Deputy Commissioner. I suppose a lot of those we don't get any feedback on in terms of their implementation, and where we have got feedback, sometimes they have been, "No, we're not going to implement it."²⁵⁸

²⁵⁶ Evidence given by Peter Henderson on 29 May 2018, p. 14.

²⁵⁷ Her Majesty's Inspectorate of Prisons 2018 (Which indicated that only 34 per cent of recommendations had been achieved of 1 824 recommendations made (the return visit revealed only 660 were achieved/implemented)).

²⁵⁸ Evidence given by Samay Zhouand on 15 May 2018, p. 15.

Case study 1, which summarises inspection activity at Brisbane Women’s Correction Centre, demonstrates some of the failures of the current inspections model.

Case study 1. Inspections at Brisbane Women’s Correctional Centre.

May 2010	The Chief Inspector conducts a full announced inspection at BWCC. BWCC received a rating of 3, which is “unsatisfactory”.
November 2011	The Chief Inspector conducts a follow-up inspection at BWCC. This report indicates that of the 65 high and medium recommendations made in 2010, 56 were completed, three were not completed, five were partially completed and one was no longer applicable.
August 2013	The Queensland Ombudsman delivers its report, <i>Investigation into the management and use of double-ups in Queensland correctional centres</i> to the Director-General of the Department of Community Safety. The report makes adverse findings in relation to double-ups in cells and overcrowding at BWCC.
April 2015	The Queensland Ombudsman conducts a follow-up inspection at BWCC and again identifies the impact of overcrowding at BWCC as a major and ongoing concern. The Queensland Ombudsman determines to investigate whether QCS was taking reasonable administrative action in response to the overcrowding.
November 2015	The Chief Inspector conducts a full announced inspection at Brisbane Women’s Correctional Centre, five years after the last full announced inspection.
September 2016	The Queensland Ombudsman publishes the follow-up inspection report, <i>Overcrowding at Brisbane Women’s Correctional Centre</i> . Among other things, the Queensland Ombudsman finds that overcrowding at BWCC had worsened and that any action taken by QCS since August 2013 has not materially impacted the level of overcrowding, QCS has not taken reasonable action to mitigate the impact of overcrowding on prisoners at BWCC and that overcrowding was having serious consequences for prisoners.
November 2016	The Chief Inspector produces the follow-up inspection report for the inspection conducted in November 2015. BWCC received a rating of 2, which is ‘satisfactory’. The issues of double-ups and overcrowding are not identified as issues requiring attention.

Lack of transparency

Transparency and the proactive disclosure of information is an important standard in government administration generally, but the closed prison environment and the high risk of corruption make it particularly important in the prison setting. Indeed, international standards for anti-corruption require disclosure and “most of what is known about the problem of corruption should be open for discussion”.²⁵⁹

In its submission, the OCI acknowledged the unique nature of the prison environment and the importance of transparency, stating “Fundamental to dealing with corruption is a focus on openness and transparency.”²⁶⁰ However, investigation and inspection reports are not publicly available.²⁶¹ During the public hearing, Damian Davie from United Voice Queensland expressed a view that not publicly releasing Chief Inspector reports “strikes to this concept of accountability and transparency”.²⁶² The CCC is of the view that an effective inspection function requires public release of reports.

²⁵⁹ UNODC 2017, p. 86.

²⁶⁰ Submission given by the OCI on 20 April 2018 (Submission 26), p. 2.

²⁶¹ The most recent report about a prison’s performance that was proactively published on the OCI’s website was prepared in 2012.

²⁶² Evidence given by Damian Davie on 16 May 2018, p. 20.

Recommendation 33

The CCC recommends:

- (a) the establishment of a properly resourced Independent Inspectorate of Prisons
- (b) the development of nationally consistent inspection standards, cycles, methods and reporting templates
- (c) inspection reports be made publicly available.

Public reporting

Currently QCS complies with its reporting obligations under relevant legislation²⁶³ and provides data for a range of external publications. QCS reports and/or provides data for the following external publications: Annual Report; Report on Government Services; Service Delivery Statement, as part of the budget papers; ABS Prisoners in Australia Census; ABS Corrective Services Quarterly report; Australian Institute of Criminology National Deaths in Custody Program; and the Queensland Government Open Data Portal. There are currently nine data sets available on the Open Data Portal for QCS.²⁶⁴ The QCS Performance and Reporting Unit also contributes to (amongst other reports): the Queensland Mental Health Commission Report; National Outcome Standards for Perpetrator Interventions; Queensland Disaster Management Committee Annual Report; and the National Prisoner Health Data Collection by the Australian Institute of Health and Welfare.

This reporting and data, however, tend to focus on financial, performance or prisoner wellbeing measures and do not provide specific indicators of integrity or scrutiny of systems to determine if they are sufficiently robust to reduce or prevent corruption.²⁶⁵ Despite the need to withhold information so as to not jeopardise the security or order of correctional facilities, a level of transparency about processes and outcomes is important to ensure accountability and is more likely to prevent and deter corrupt behaviours. QCS is required to comply with the Queensland Government Performance Management Framework Policy regarding public reporting obligations under relevant legislation.²⁶⁶ However, this policy does not detail the reports that must be made public under the legislation, with the exception of Annual Reports and Service Delivery Statements. For example, a concern was raised during the public hearing regarding the KPIs for private prisons not currently being made public.²⁶⁷ The CCC has recommended that QCS revise the way it measures the performance of prisons and provide greater public access to performance indicators and performance reports (see Recommendation 2 (d)).

263 *Financial Accountability Act 2009, Financial and Performance Management Standard 2009, the Public Sector Ethics Act 1994 and the Public Service Act 2008.*

264 See <https://data.qld.gov.au/dataset?sort=score+desc%2C+metadata_modified+desc&organization=queensland-corrective-services&q=corrective+services>.

265 For example, QCS do not provide data regarding the number and type of complaints made against officers' discipline (which could be done without disclosing identifying information) and do not make full announced and follow-up inspection reports by the Chief Inspector public.

266 Department of the Premier and Cabinet 2017.

267 Evidence given by Damian Davie on 16 May 2018, p. 20.

Appendix 1: Terms of Reference

Context

The Queensland Crime and Corruption Commission (CCC) has received a number of allegations of corrupt conduct within Queensland corrective services facilities.²⁶⁸ The allegations involve a range of conduct including, but not limited to, assault/use of excessive force; misuse of authority to benefit (oneself or another) or to cause detriment (including harassment); failure of duty (including failures to comply with legal, policy or reporting obligations); misuse of information; and drug-related offences. The number of allegations has been increasing and it is reasonable to also suspect a level of non-reporting in the sector.

In discharging its corruption function, the CCC has conducted investigations of alleged corrupt conduct within Queensland corrective services facilities. As a result of investigations conducted, a number of possible systemic issues have been identified. Taskforce Flaxton will examine these issues with a view to raising standards of integrity relevant to: detecting, managing and preventing corruption risks associated with corrective services facilities and managing prisoners under the *Corrective Services Act 2006*; and the way allegations of suspected corrupt conduct against correctional officers (and others) are dealt with by Queensland Corrective Services and engaged service providers.²⁶⁹

Objectives of the Public Hearing Component of Taskforce Flaxton

Pursuant to sections 176 and 177(2)(c)(ii) of the *Crime and Corruption Act 2001*, the Commission authorises and approves the holding of public hearings in relation to Taskforce Flaxton.

The CCC public hearing is examining:

1. Corruption and risks of corruption in Queensland corrective services facilities (including 14 prisons (two managed under private contracts), and work camps).
2. Features of the legislative, policy and operational environment that may enable corrupt conduct to occur or are vulnerable to corrupt conduct.
3. Reforms to better prevent, detect and deal with corrupt conduct within Queensland corrective services facilities.

Public Report

The CCC will issue a public report on the outcomes of Taskforce Flaxton.

Alan John MacSporran QC

268 Under Schedule 4 of the *Corrective Services Act 2006* (CS Act) 'corrective services facility' means a prison, a community corrections centre or a work camp.

269 Pursuant to s. 273(2) of the CS Act, the *Crime and Corruption Act 2001* applies to an engaged service provider prescribed under a regulation as if (i) the provider were a unit of public administration; and (ii) the holder of a specified office, prescribed under a regulation, of the provider, were the chief executive officer of the provider; and (iii) a person employed by the provider were a person holding an appointment in a unit of public administration.

Appendix 2: List of Witnesses

Date of appearance	Witness
Monday 14 May 2018	Dr Peter Martin APM, Queensland Corrective Services
Tuesday 15 May 2018	Samay Zhouand, Queensland Corrective Services Phil Clarke, Queensland Ombudsman Kate Greenwood, Aboriginal and Torres Strait Islander Legal Service
Wednesday 16 May 2018	Peter Lyons, Prisoners' Legal Service Debbie Kilroy, Sisters Inside Damien Davie, United Voice Michael Thomas, Together Queensland
Thursday 17 May 2018	Chief Superintendent Glenn Horton, Queensland Police Service
Friday 18 May 2018	John Forster, Queensland Corrective Services Robyn Gregory, Queensland Corrective Services
Monday 21 May 2018	Keith Ketheeswaran, GEO Group Elaine Pearson, Human Rights Watch Anthony Voss, Serco
Tuesday 22 May 2018	Samay Zhouand, Queensland Corrective Services Alan Butler, Queensland Corrective Services
Wednesday 23 May 2018	Peter Shaddock, Queensland Corrective Services
Thursday 24 May 2018	Troy Ittensohn, GEO Group Tamara Bambrick, Queensland Corrective Services
Friday 25 May 2018	Bruce Welk, Queensland Corrective Services Mark Walters, Serco Paula May, Queensland Corrective Services
Monday 28 May 2018	Bernie Kruhse, Queensland Corrective Services Scott Collins, Queensland Corrective Services Peter Hall, Queensland Corrective Services
Tuesday 29 May 2018	Darryll Fleming, Queensland Corrective Services Peter Henderson, Queensland Corrective Services Alan Ingram, Queensland Corrective Services
Wednesday 30 May 2018	Dr John Wakefield, Queensland Health Michael MacFarlane, Queensland Corrective Services Stephen Simmons, Queensland Corrective Services
Tuesday 28 August 2018	Professor Mark Halsey, Flinders University Andrew Ballantyne, Director, Ethical Standards Unit, Queensland Corrective Services
Wednesday 29 August 2018	Dr Peter Martin APM, Commissioner, Queensland Corrective Services
Monday 19 November 2018	Dr John Wakefield, Queensland Health Philipp Meissner and Candice Welsch, United Nations

Appendix 3: Data

Table A3.1. Attributes of correctional centres in Queensland, including prisoner counts and capacity utilisation.

Correctional centre ^a	Attributes							Built capacity count				Total prisoner count ^b		Capacity utilisation ^{b, c}		
	High security	Low custody	Work camp/s	Protection	Privately run	Remand	Reception	Maximum security unit	Built cells Sep 2013	Built cells Sep 2018	Built beds Sep 2013	Built beds Sep 2018	Sep 2013	Sep 2018	Sep 2013	Sep 2018
Male prisons									6001	6263	6249	7331	5724	8133	95.38%	129.86%
South East Queensland									3582	3772	3684	4564	3473	5093	96.96%	135.02%
Arthur Gorrie	x			x	x	x			890	890	918	974	862	1183	96.85%	132.92%
Borallon ²⁷⁰	x								-	492	-	736	-	682	-	138.62%
Palen Creek		x	x						222	222	222	222	182	207	81.98%	93.24%
Brisbane	x			x			x	x	560	560	572	722	538	820	96.07%	146.43%
Southern Queensland ²⁷¹	x				x				302	-	312	-	349	-	115.56%	-
Wolston	x			x					600	600	614	764	635	790	105.83%	131.67%
Woodford	x			x				x	1008	1008	1046	1146	907	1411	89.98%	139.98%
North Queensland									1377	1449	1487	1689	1244	1749	90.34%	120.70%
Lotus Glen	x	x	x			x	x		832	832	868	918	684	974	82.21%	117.07%
Townsville	x	x	x	x		x	x		545	617	619	771	560	775	102.75%	125.61%
Central Queensland									542	542	562	562	507	656	93.54%	121.03%
Capricornia	x	x	x	x		x	x		542	542	562	562	507	656	93.54%	121.03%

²⁷⁰ Borallon Correctional Centre was re-commissioned as Borallon Training and Correctional Centre in April 2016.

²⁷¹ Southern Queensland Correctional Centre transitioned from a male correctional centre to a female correctional centre in 2018. Transfer of female prisoners to Southern Queensland Correctional Centre as part Operation Elevate commenced on 20 August 2018. As at 26 September 2018, regular transfers are still occurring.

Correctional centre ^a	Attributes								Built capacity count				Total prisoner count ^b		Capacity utilisation ^{b, c}	
	High security	Low custody	Work camp/s	Protection	Privately run	Remand	Reception	Maximum security unit	Built cells Sep 2013	Built cells Sep 2018	Built beds Sep 2013	Built beds Sep 2018	Sep 2013	Sep 2018	Sep 2013	Sep 2018
<i>Wide Bay-Burnett</i>									500	500	516	516	500	635	100.00%	127.00%
Maryborough	x			x		x	x		500	500	516	516	500	635	100.00%	127.00%
Female prisons									576	934	583	971	607	893	105.38%	95.61%
<i>South East Queensland</i>									395	727	398	740	438	630	110.89%	86.66%
Brisbane Women's	x			x		x	x		267	267	270	270	320	342	119.85%	128.09%
Helana Jones Centre ²⁷²		x							29	29	29	29	28	25	96.55%	86.21%
Numinbah		x	x						99	129	99	129	90	107	90.91%	82.95%
Southern Queensland	x				x				-	302	-	312	-	156	-	51.66%
<i>North Queensland</i>									181	207	185	231	169	263	93.37%	127.05%
Townsville Women's	x	x	x			x	x		181	207	185	231	169	263	93.37%	127.05%
State									6577	7197	6832	8302	6331	9026	96.26%	125.41%

a Low custody data (i.e. low custody centres and work camps) have been rolled up to managing centre.

b As at 17 September.

c Capacity utilisation rates calculated using built cell capacity.

272 Helana Jones, as stand-alone low custody facility, has been detailed separately.

Table A3.2. Correlation between capacity utilisation and indicators of volatility and prisoners' access to a meaningful "constructive day" (data from July 2013 to March 2018).

Indicator	Percentage change from 2013/14 to 2016/17	Correlation with capacity utilisation	Correlation with average time-out-of-cell
Utilisation	15%	-	-.60
Time-out-of-cell (avg. all)	-2%	-.60	-
Prisoner employment	3%	-.44	.75
Indicators of volatility			
Prisoner-on-prisoner assault (rate)	89%	.75	-.28
Prisoner-on-staff assault (rate)	78%	.52	n.s.
Self-harm incidents (rate)	168%	.86	-.53
Use of force incidents (rate)	90%	.80	-.38
Complaints			
CCC allegations related to QCS staff	17%	.39	-.44
ESU matters	124%	.42	n.s.
Ombudsman complaints related to QCS	26%	n.s.	n.s.

Note: Correlations are reported as a value between -1 and 1 and describe the relationship between two variables. A positive correlation means the variables increase or decrease together and a negative correlation means as one variable increases the other decreases. The closer to zero, the weaker the relationship. Correlations that are very close to zero are interpreted as no relationship (no correlation between the variables) and be denoted as 'n.s.'

Table A3.3. Number of prisoner-related incidents assessed by CSIU and outcomes Correlation between capacity utilisation and indicators of volatility and prisoners' access to a meaningful "constructive day" (2013/14 to 2016/17).

Year	Number of incidents referred to CSIU	Number of incidents retained by CSIU for investigation (not returned to the centre on IOMS)	Number of incidents returned to centre	Number of incidents where CSIU recommended breach action	Number of incidents where CSIU recommended criminal charges	Neither recommended for either breach action nor criminal charges	Recommended for both breach action and criminal charges
2013-14	5729	10	5719	3336	274	2119	10
2014-15	7173	13	7160	4662	238	2265	5
2015-16	8198	25	8173	6076	328	1773	4
2016-17	10063	104	9959	7444	434	2092	11
2017-18*	7269	229	7040	5438	220	1385	3

*to March 2018.

Appendix 4: Results from a CCC survey of staff and prisoners

Figure A4.1. The percentage of staff and prisoners who think corrupt behaviours happen or could happen.

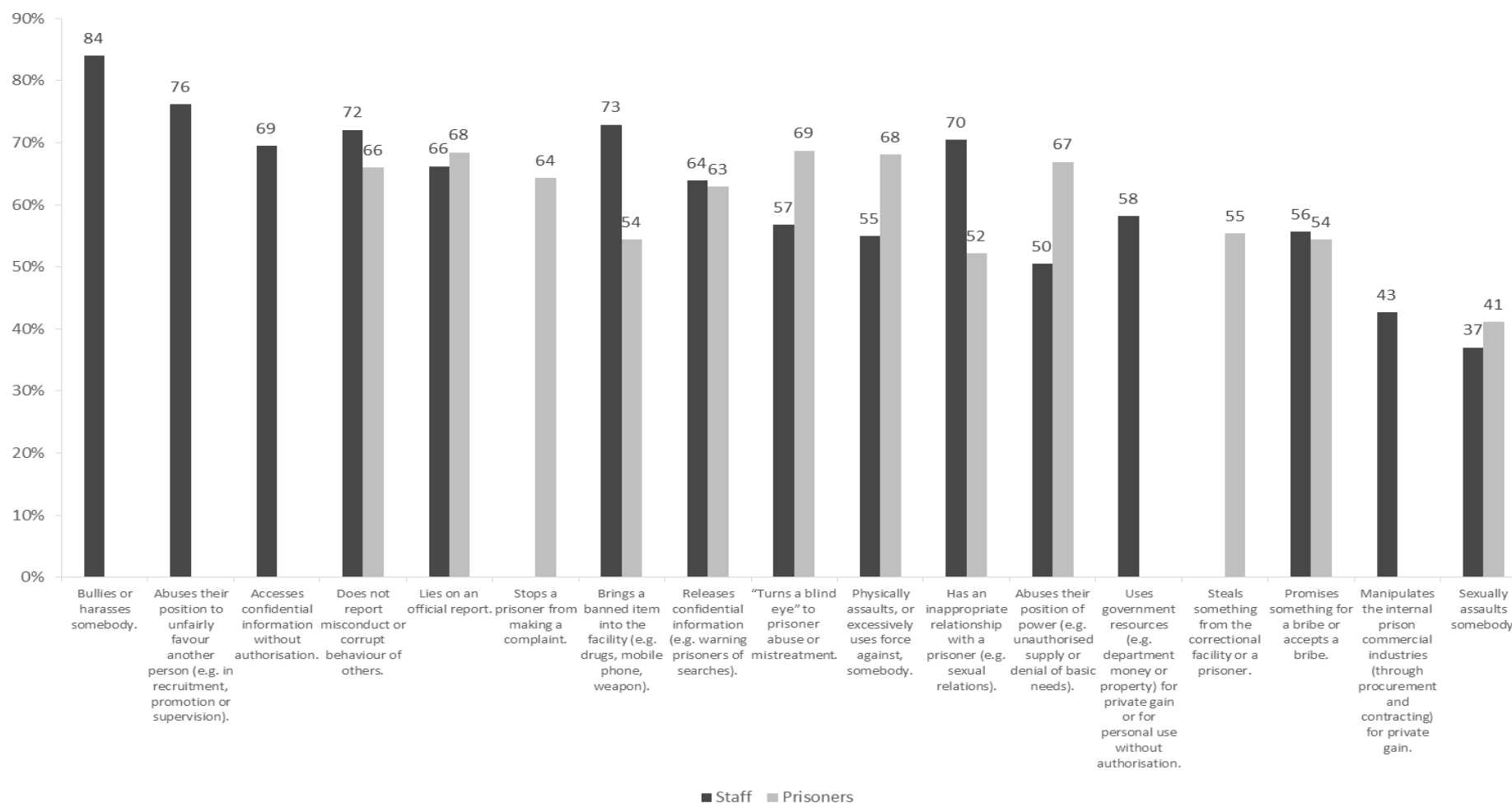


Figure A4.2. The percentage of staff and prisoners who have seen corrupt behaviours.

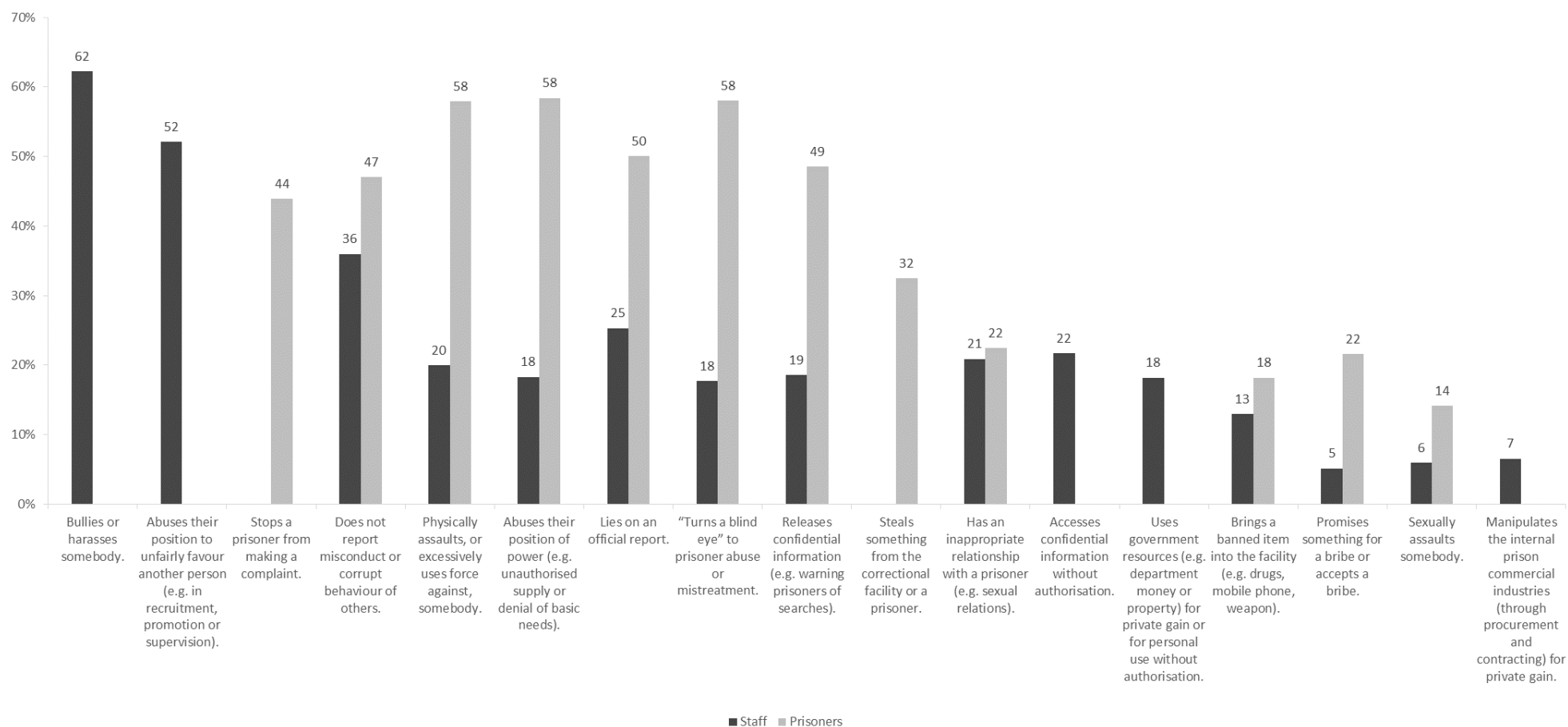


Figure A4.3. The percentage of staff and prisoners who have complained about corrupt behaviours.

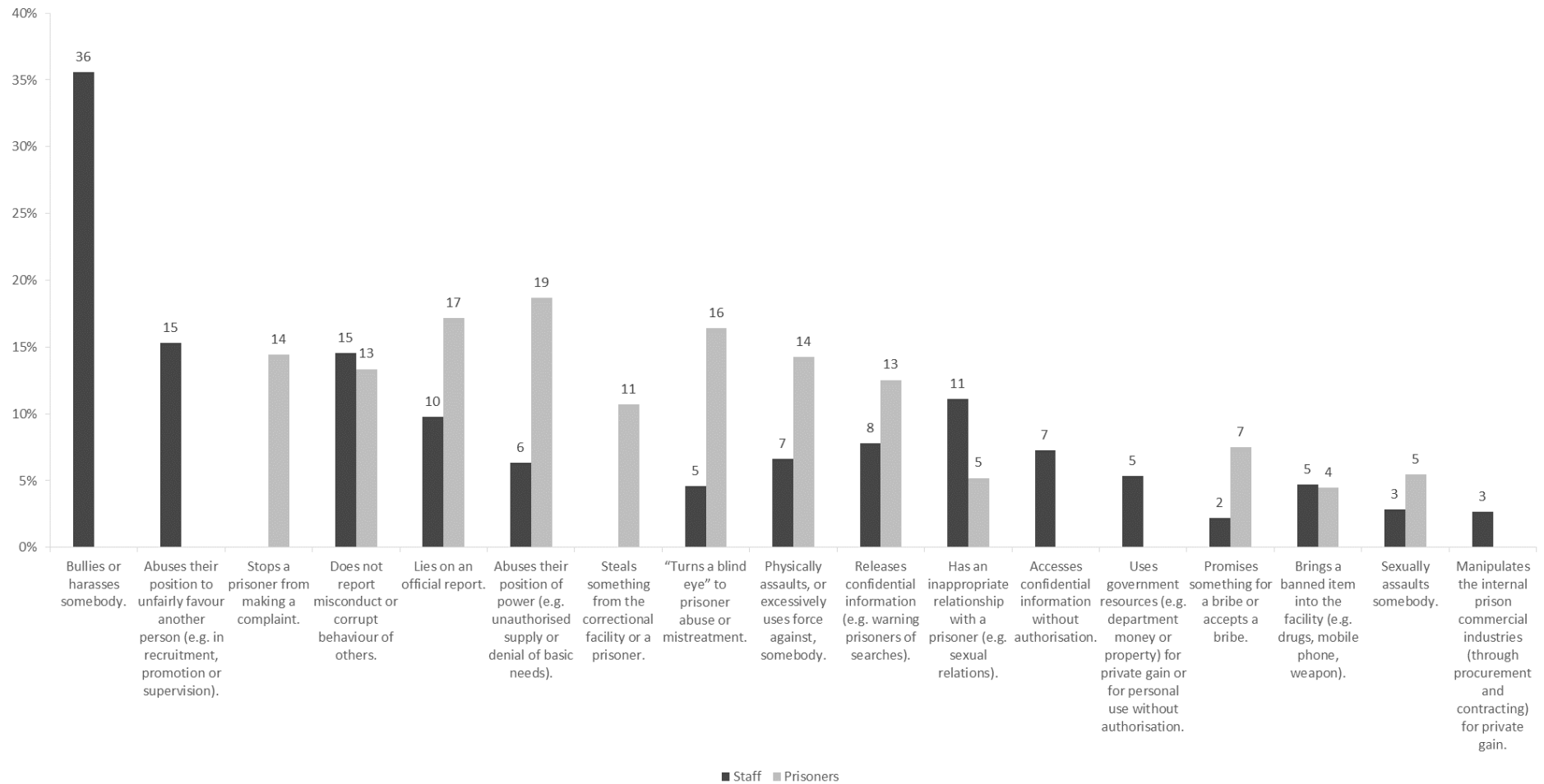
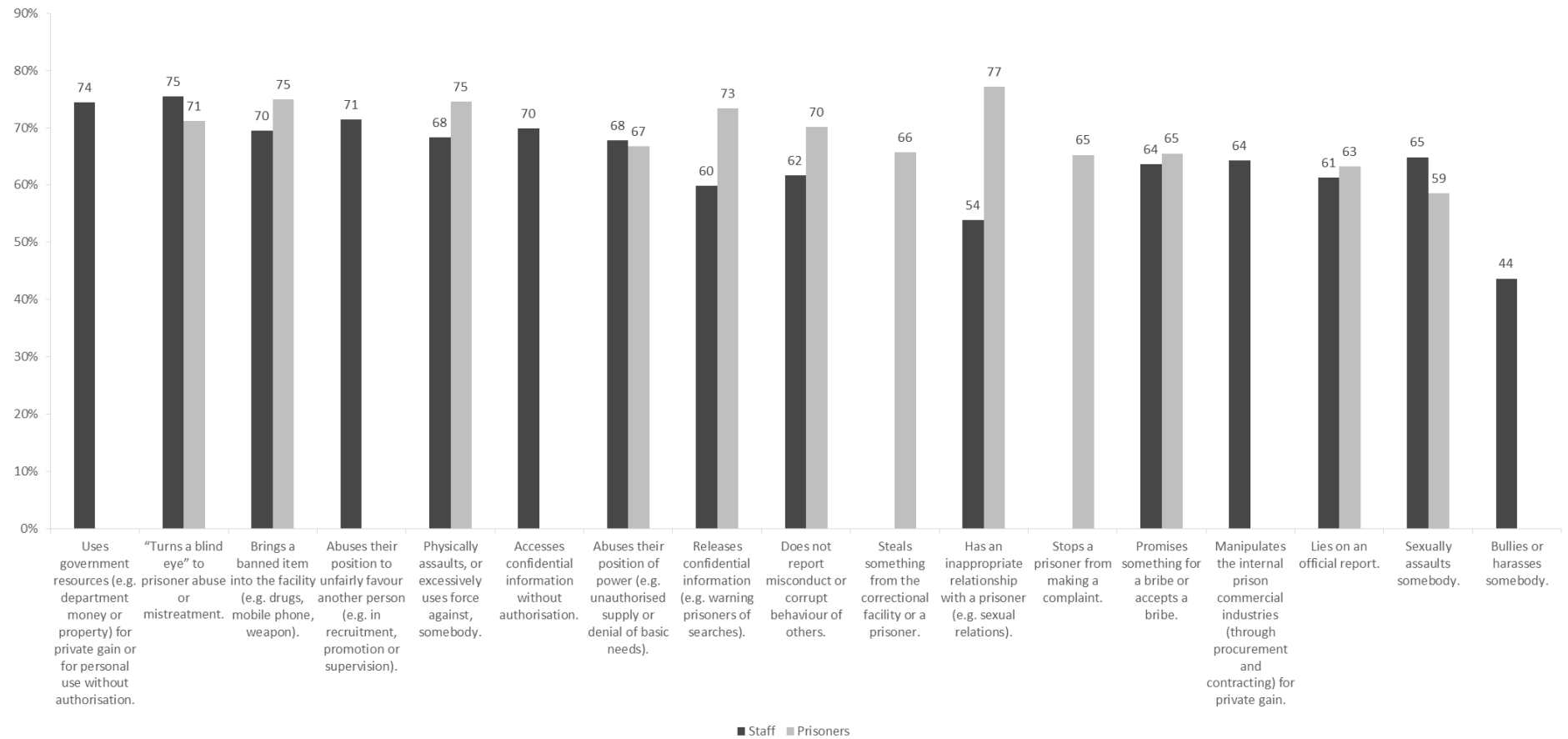
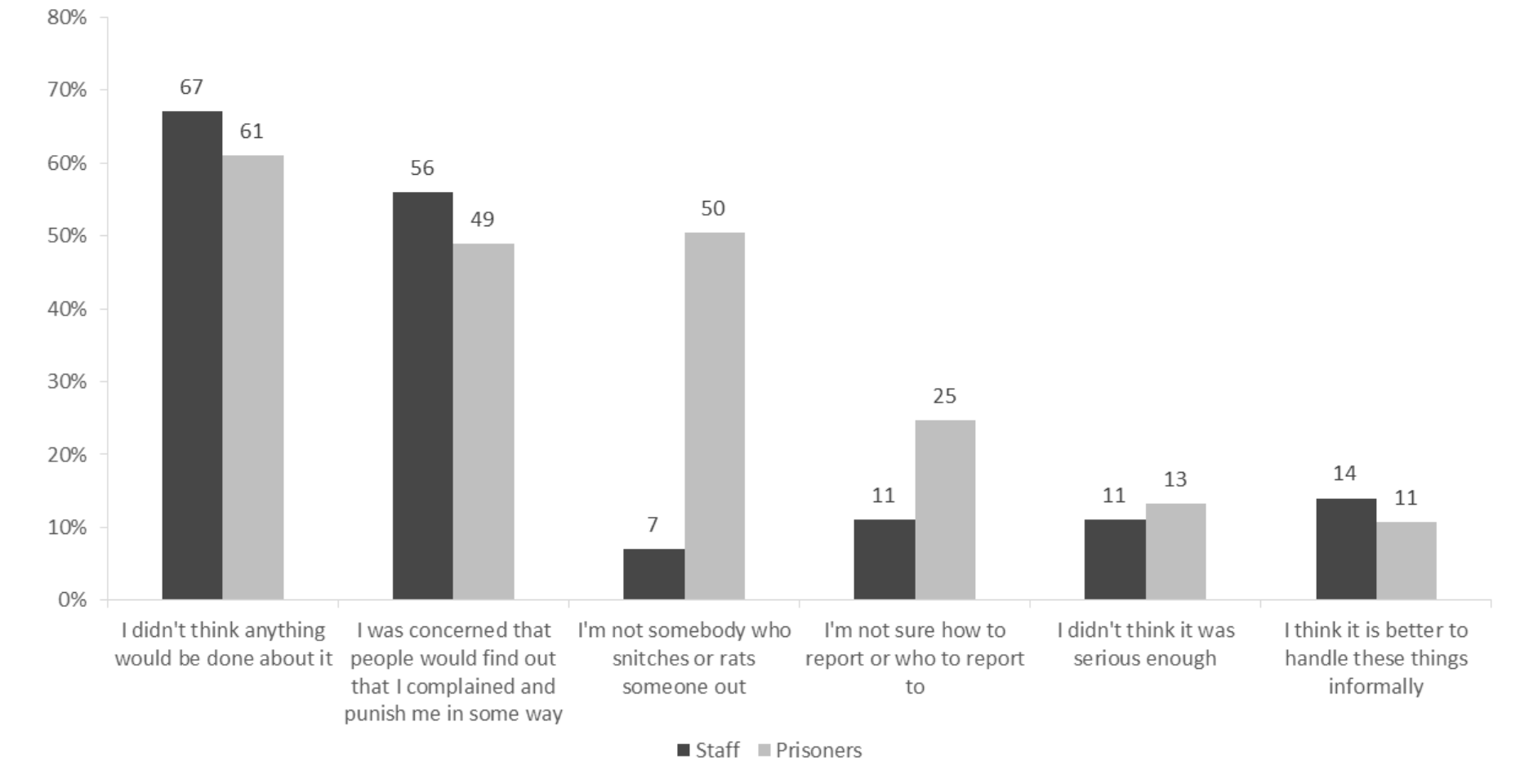


Figure A4.4. The percentage of staff and prisoners who under-reported corrupt behaviours.



Note. Under-reporting was estimated by asking staff and prisoners whether they had seen potentially corrupt behaviours and then asking if they had ever made a complaint about those behaviours. The proportion of under-reporting is equal to the proportion of those who reported they had seen the behaviour who did not make a complaint.

Figure A4.5. Reasons for not reporting corrupt behaviours, percentage of staff and prisoners.



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Legislation

Corrective Services Act 2006.

Crime and Corruption Act 2001.



Crime and Corruption Commission

QUEENSLAND

Contact details

- ✉ Crime and Corruption Commission
GPO Box 3123, Brisbane QLD 4001

Level 2, North Tower Green Square
515 St Pauls Terrace, Fortitude Valley
QLD 4006
- ☎ 07 3360 6060 or
Toll-free 1800 061 611
(in Queensland outside Brisbane)
- 📄 07 3360 6333

More information

- 🌐 www.ccc.qld.gov.au
- @ mailbox@ccc.qld.gov.au
- 🐦 @CCC_QLD
- f [www.facebook.com/
CrimeandCorruptionCommission](https://www.facebook.com/CrimeandCorruptionCommission)
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