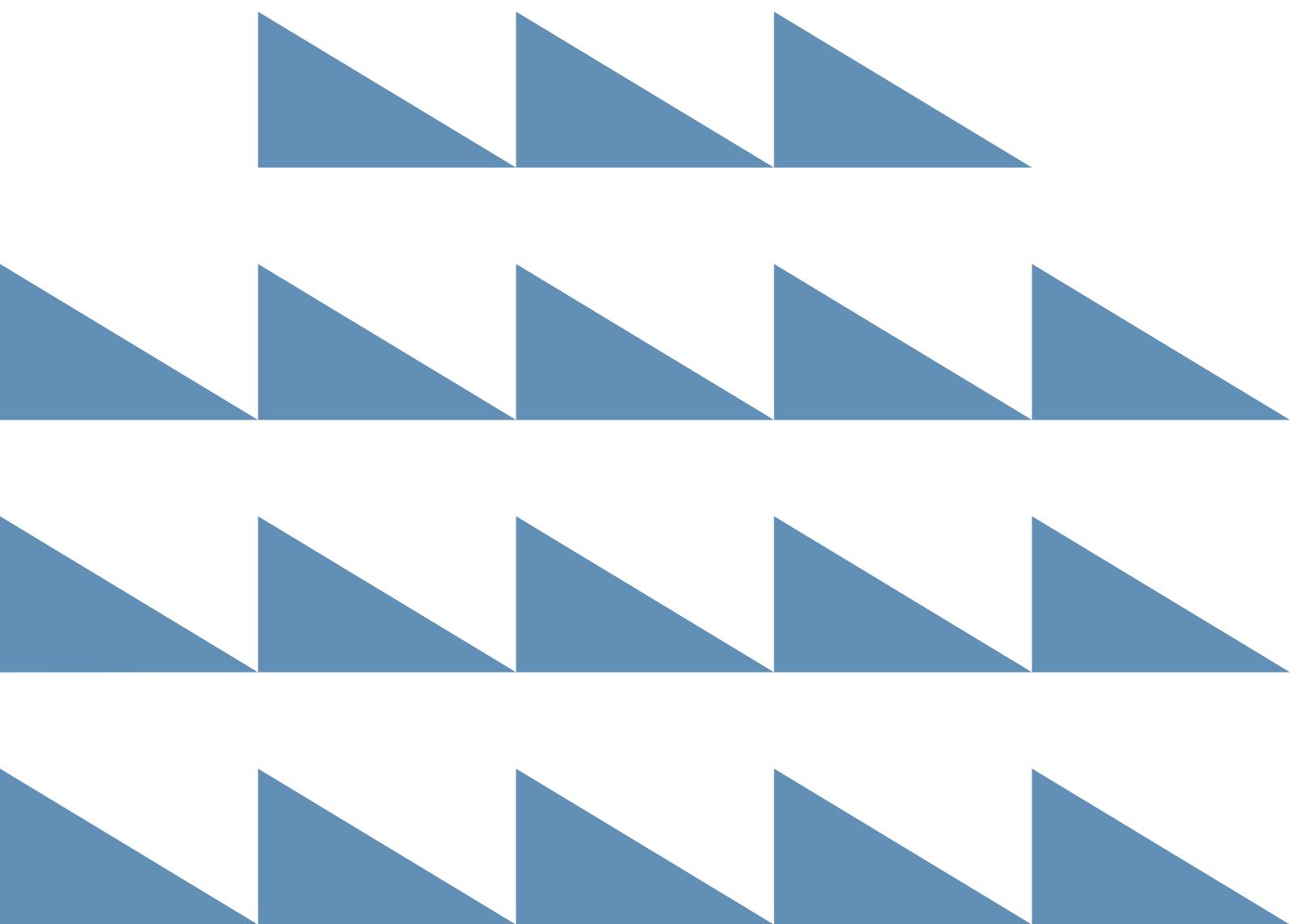


Corruption risks associated with the corrections sector

November 2017



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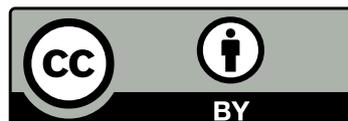
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1 Definitions

	Explanation
BEBS	Built Environment and Business Sustainability, a branch of the Department of Justice and Regulation that manages large, complex capital projects
CV	Corrections Victoria
DJR	Department of Justice and Regulation
DPFC	Dame Phyllis Frost Centre
Mandatory notifications	<p>In early 2016, the Victorian Parliament passed legislation to establish a requirement for relevant principal officers (essentially heads of public sector bodies) to notify IBAC of suspected corruption (previously it was discretionary).</p> <p>The legislation, which came into effect on 1 December 2016, requires government department heads, chief executives of local councils and other principal officers to notify IBAC if they have reasonable grounds to suspect corruption is occurring or has occurred in their workplace. IBAC then assesses these notifications to determine if the alleged conduct warrants investigation by IBAC or another agency</p>
PD	Protected disclosures (previously known as 'whistleblower' complaints) entitle the complainant to certain legal protections
VAGO	Victorian Auditor-General's Office
VO	Victorian Ombudsman
WA CCC	Western Australian Corruption and Crime Commission

2 Overview

The Victorian correctional sector is undergoing a period of growth and change. Over the past five years there have been significant increases in the state's prisoner population and changes to how bail, parole and community corrections orders operate. These changes, and corresponding increases in the numbers of prisons, custodial officers and community corrections officers, raise integrity challenges.

The corrections sector faces corruption and integrity issues not encountered in other areas of the public sector. The provision of contraband, inappropriate relationships, excessive use of force and inappropriate access to information are risks that are created or increased by the specific nature of the correctional environment.

These risks are not unique to Victoria; they are found across Australia and in similar countries overseas. However, the way in which these challenges are managed varies across jurisdictions and there are opportunities for the Victorian corrections sector to reassess whether current corruption prevention and detection strategies could be strengthened.

The Independent Broad-based Anti-corruption Commission (IBAC) recently conducted two investigations related to the corrections sector. Operation Nepean examined procurement and maintenance fraud at the Dame Phyllis Frost Centre (DPFC). Operation Ettrick examined links between corrections officers at Port Phillip Prison and organised crime figures. These investigations highlight the need for continued vigilance to prevent corrupt conduct, even where policies and systems may be in place to address misconduct and corruption risks.

This report analyses the major corruption issues associated with the corrections sector, drawing on research and case studies in Victoria, and from across Australia and internationally. It explores the factors driving corruption risks in the corrections sector. It identifies areas of particular vulnerability, and suggests strategies for strengthening detection, reporting and prevention.

2.1 Key findings

1. IBAC has received fewer complaints and notifications about the corrections sector than expected. It is likely that the lower numbers of complaints and notifications are a result of prisoners viewing the Victorian Ombudsman (VO) as the appropriate agency to complain to. Although the introduction of mandatory reporting on 1 December 2016 has led to an increase in the overall number of corrections-related notifications IBAC has received from the Department of Justice and Regulation (DJR), it is unlikely to significantly alter the tendency of prisoners to complain to the VO.
2. The provision of contraband to prisoners by prison officers represents a significant risk to the safety, security and integrity of corrections facilities. The highly inflated value of goods in prisons is a powerful corruption motivator for corrections staff.
3. Unauthorised access to and disclosure of information presents significant corruption risks for corrections officers. Legitimate access to intelligence systems across private and public prisons has increased, which has subsequently increased the risk of information being misused by corrections officers, either deliberately or negligently.
4. The corrections sector faces risks of corrupt procurement activities because a large proportion of the corrections budget is allocated to capital expenditure. Although DJR has controls in place around procurement, IBAC's investigations highlight how these procedures can be undermined by poor supervision, record-keeping, compliance and workplace cultures that tolerate misconduct and corruption.
5. The Victorian corrections sector has undertaken high-volume recruitment in recent years. Rapid workforce expansion presents challenges around attracting suitable applicants, establishing a strong integrity culture in newly established units, and undertaking thorough and consistent vetting of applicants.
6. Prisons and community corrections officers based in regional areas face additional challenges around maintaining strong integrity standards, particularly in relation to conflicts of interest and attracting suitable employees, because of smaller populations in those areas.
7. Non-custodial officers such as counsellors and teachers may face a heightened risk of being targeted by corrupt approaches because they often deal with prisoners one-on-one, may have a greater focus on relationship-building with prisoners as part of their roles, and may lack appropriate support and training on integrity or corruption issues.

2.2 Methodology

2.2.1 Scope

For the purpose of this report, the corrections sector includes the custodial and non-custodial (community-based) management of adults sentenced or remanded in Victoria. This includes public and privately operated prisons¹ as well as community corrections.² In government, responsibility for the corrections sector sits with Corrections Victoria (CV) within DJR.³

This report is based on data from IBAC's holdings, as well as those of other law enforcement agencies, together with publicly available information, including relevant research literature and publications from other integrity agencies. IBAC also consulted with CV, DJR and private prisons.

2.2.2 Terminology

For the purposes of this report, a 'case' is a complaint or a notification addressing a particular subject, individual(s) or agency. That case may consist of multiple allegations. A case is not an IBAC investigation and references to cases does not mean a complaint or notification was investigated or substantiated by IBAC or another agency.

IBAC notes there are limitations with the use of allegations including:

- allegations are unsubstantiated at the time of receipt
- allegations can be incomplete, lack detail, be from an anonymous source, or may not individually name the subject of the allegation
- allegation data is not a comprehensive or reliable indicator of the prevalence of particular activities.

Despite these limitations, allegations can help identify trends or patterns, and provide practical examples of identified trends.

¹ Section 6(1)(e) of the *Independent Broad-based Anti-corruption Commission Act 2011* states that a body is a public body if it is performing a public function on behalf of the State (or another public body). Staff of a public body are public officers if they are engaged in the work that makes that body a public body.

² Community corrections involves the management and supervision of offenders in the community. These offenders are serving court-imposed orders either as an alternative to imprisonment or as a condition of their release on parole from prison. This means they must report regularly to their community corrections officer and may have to participate in unpaid community work and rehabilitation programs. See www.corrections.vic.gov.au/home/community+corrections/.

³ This report does not consider juvenile justice, because until 3 April 2017, primary responsibility for juvenile justice sat with the Department of Health and Human Services. Since then, DJR became the responsible department for juvenile justice. Note that some of the issues identified in this report may also apply to juvenile justice.

3 The Victorian corrections sector

3.1 Composition of the sector

CV is responsible for providing custodial and community-based corrections services. It manages Victoria's publicly operated prisons and oversees Victoria's privately operated prisons. It sets strategy, policy and standards for correctional facilities and develops programs for the management and rehabilitation of prisoners and the community-based supervision of offenders.⁴

Victoria has eleven publicly operated prisons, three privately operated prisons and one publicly operated transition centre, which supports prisoners near the end of their sentences in returning to the community.⁵ In addition to custodial facilities, there are more than 50 Community Correctional Services in Victoria.⁶

FIGURE 1: VICTORIAN CORRECTIONAL FACILITIES

Prison	Location	Operator	Security level	Prisoner capacity ⁷	Prisoner gender
Barwon Prison	Lara	Public	Maximum	478	Men
Beechworth Correctional Centre	Beechworth	Public	Minimum	210	Men
Dame Phyllis Frost Centre	Ravenhall	Public	Maximum	482	Women
Dhurringile Prison	Murchison	Public	Minimum	328	Men
Fulham Correctional Centre	Fulham	Private (GEO ⁹)	Medium	893	Men
Hopkins Correctional Centre	Ararat	Public	Medium	782	Men
Judy Lazarus Transition Centre	West Melbourne	Public	Minimum	25	Men
Langi Kal Kal Prison	Langi Kal Kal	Public	Minimum	428	Men
Loddon Prison Precinct + Middleton	Castlemaine	Public	Medium + Restricted Minimum	470 + 236	Men
Marngoneet Correctional Centre + Karreenga	Lara	Public	Medium	559 + 300	Men
Melbourne Assessment Prison	West Melbourne	Public	Maximum	305	Men
Metropolitan Remand Centre ⁸	Ravenhall	Public	Maximum	883	Men
Port Phillip Prison	Laverton	Private (G4S ¹⁰)	Maximum	1087	Men
Tararengower Prison	Nuggetty	Public	Minimum	60	Women
Ravenhall Correctional Centre	Ravenhall	Private (GEO)	Medium	1000	Men

⁴ Corrections Victoria 2017, *Corrections Victoria*, Melbourne, viewed 31 October 2017, www.corrections.vic.gov.au/utility/corrections+vicoria/.

⁵ Corrections Victoria 2017, *Prison*, Melbourne, viewed 31 October 2017, www.corrections.vic.gov.au/home/prison/.

⁶ Corrections Victoria, *Strategic Plan 2015–2018: Delivering Effective Correctional Services for a Safe Community*, www.corrections.vic.gov.au/utility/publications+manuals+and+statistics/corrections+vicoria+strategic+plan+2015+-+2018.

⁷ As at 30 June 2017 per www.corrections.vic.gov.au/home/prison/.

⁸ Men on remand are held at the Metropolitan Remand Centre after first being received at the Melbourne Assessment Prison. All unconvicted adult female offenders are held at DPFC. If an offender's hearing is held at the Melbourne Magistrates' Court, the offender may be transferred to the Melbourne Custody Centre, which is managed by G4S (a private company) on behalf of Victoria Police, not Corrections Victoria. It is not within the scope of this report. See www.corrections.vic.gov.au/home/prison/remand/.

DJR uses a 'federated' management system where policy and coordination is centralised in CV in Melbourne, but each prison is managed by a general manager who reports through the relevant DJR regional director.

Victoria's privately operated prisons (Port Phillip Prison, Fulham Correctional Centre and Ravenhall Correctional Centre) are operated on a contractual basis by private corporations (G4S and GEO). Contracts to manage Port Phillip Prison and Fulham Correctional Centre were set to expire in 2017, but have been renewed for a further 20 years (Ravenhall Correctional Centre only opened in late 2017). These contracts outline how responsibilities and risks are allocated between the private provider and the state. The private providers are required to meet certain performance targets and face financial penalties if they fail to do so.¹¹ The contracts give the government the right to access the prisons to review, inspect, test and monitor services, as well as the right to examine and audit the private providers' accounts and records.

3.2 How DJR addresses integrity issues

CV is a division of DJR and is subject to the Department's corporate governance arrangements. When integrity issues arise in prisons, they are generally reported through an individual prison's management structure, which refers it to DJR's Risk, Audit and Integrity Directorate for assessment.¹² Where appropriate, the issue may be referred to an external agency such as IBAC or Victoria Police.

Several DJR areas have oversight or investigative responsibilities related to integrity:

- **Employee Investigations** in People and Culture is responsible for investigating allegations about employee behaviour, ranging from performance issues to more serious misconduct
- **Risk Audit and Integrity Directorate** includes the Fraud Prevention Team, which undertakes fraud investigations, as well as education and outreach programs
- **Finance** investigates some financial matters, including irregular corporate credit card use
- the **Office of the Chief Procurement Officer** investigates complaints from suppliers and grant applicants
- **Security Management and Assurance** is responsible for issues related to personnel, physical, information and technology security
- **Information Integrity and Access** monitors IT systems to identify and investigate inappropriate use
- the **CV Intelligence Unit** receives intelligence reports on activities in publicly and privately managed prisons, including potentially corrupt conduct by corrections officers

⁹ GEO Group Pty Ltd is a United States-based company specialising in corrections, detention and mental health.

¹⁰ G4S Correctional Services Pty Ltd is a British multinational security services company.

¹¹ See www.corrections.vic.gov.au/utility/publications+manuals+and+statistics/project+summary+--+port+phillip+prison+contract+extension and www.corrections.vic.gov.au/utility/publications+manuals+and+statistics/project+summary+--+fulham+correctional+centre+contract+extension.

¹² Consultations with DJR Risk, Audit and Integrity conducted on 16 September 2016 and DJR Employee Investigations conducted on 28 September 2016.

3 The Victorian corrections sector

- **Justice Assurance and Review Office** is a business unit in DJR, separate to CV, that monitors and reviews the performance of prisons, Community Correctional Services and other correctional services, and looks for ways to improve performance
- **DJR's internal auditors** also review the actions and management of CV.

Coinciding with the introduction of mandatory reporting on 1 December 2016, DJR has reformed how it manages corruption risks.¹³ The Department established a centralised triage process that assesses and allocates allegations. DJR advises that all allegations are assessed in a standardised way across the department and, where appropriate, referred to an external agency such as IBAC or Victoria Police. Having a centralised record of allegations allows DJR to better monitor trends and systemic issues.

3.3 IBAC's dealings with the corrections sector

Since IBAC commenced operations in 2013, it has completed two investigations that focused on the corrections sector:¹⁴

- Operation Nepean investigated procurement fraud at DPFC
- Operation Etrick investigated alleged illicit drug trafficking and inappropriate relationships at Port Phillip Prison.

In both matters, IBAC found that poor practices in correctional facilities contributed to the corrupt conduct, and made recommendations for systemic change to DJR.¹⁵

In the four years from 1 July 2013 to 30 June 2017, IBAC recorded 186 corrections-related cases, consisting of 473 allegations.

Allegations related to the corrections sector made up nine per cent of IBAC's non-police allegations¹⁶ over these four financial years. This is a significantly lower proportion than some interstate anti-corruption and integrity agencies receive about corrections bodies.¹⁷

FIGURE 2: IBAC CASES RELATING TO THE CORRECTIONS SECTOR

Year	Complaints*	Notifications**	PD notifications	Total cases
2013/14	19	5	11	35
2014/15	12	2	16	30
2015/16	18	1	30	49
2016/17	32	14	26	72
Total case type	81	22	83	186

* A person may make a 'complaint' to IBAC about conduct the person believes may be corrupt conduct

** Principal officers of public sector bodies are required to make a 'notification' to IBAC when they have reasonable suspicion that corrupt conduct has occurred within their organisations

¹³ Consultation with DJR Risk, Audit and Integrity conducted on 16 September 2016.

¹⁴ Note that other operations have related to unfounded or withdrawn allegations.

¹⁵ Case studies on these investigations are included later in this report.

¹⁶ Non-police complaints are complaints received by IBAC about any Victorian public body other than Victoria Police.

¹⁷ For example the Western Australian Corruptions and Crime Commission (WA CCC) published a breakdown of allegations by sector as part of its 2014/15 annual report. Western Australian Corrective Services made up 24 per cent of the allegations received by the WA CCC about non-police bodies.

The reason for the lower than expected number of corrections-related allegations received by IBAC is unknown, but could be caused by:

- issues being addressed directly by prison general managers rather than being reported to CV or external agencies such as IBAC
- prisoners considering the VO the appropriate agency to register complaints with.¹⁸

It is likely that prisoners report issues directly to the VO because they have access to toll-free phones for this purpose, and because there is a high level of awareness of the VO within prisons. In 2015/16, the VO received more complaints about Corrections, Justice and Regulation than any other government department (see Figure 3). When IBAC does receive complaints about corrections, they are more likely to be referrals from the VO (and less likely to come from individuals) than the complaints IBAC receives about other public sector bodies.

FIGURE 3: COMPLAINTS ABOUT DEPARTMENTS RECEIVED BY THE VICTORIAN OMBUDSMAN IN 2015/16¹⁹

Department	Number of complaints	% of total complaints ²⁰
Justice and Regulation, Corrections Victoria	4443	32%
Local Government	3416	24%
Health and Human Services	2143	15%
Economic Development, Jobs, Transport and Resources ²¹	1251	9%
Treasury and Finance	1151	8%
Education and Training	1094	8%
Environment, Land, Water and Planning	442	3%
Premier and Cabinet	37	<1%
FOI Commissioner	9	<1%
Total	13,986	100%

¹⁸ Victorian Ombudsman, *Annual Report 2015/16*, p 19, www.ombudsman.vic.gov.au/Publications/Annual-Reports.

¹⁹ Victorian Ombudsman, *Annual Report 2015/16*, p 19, www.ombudsman.vic.gov.au/Publications/Annual-Reports.

²⁰ Note that percentages in this report are rounded to the nearest whole percentage, meaning some table columns that record percentages may not total 100 per cent while still reflecting the whole data set.

²¹ This figure includes one complaint received about the former Department of State Development, Business and Innovation.

3 The Victorian corrections sector

Although the VO receives a high volume of complaints about corrections, most do not relate to potential corrupt conduct. The issues most commonly complained about relate to prisoner treatment, including:

- health services
- treatment when deprived of liberty
- property
- prisoner placement or location
- discipline
- visits
- buildings and facilities
- telephones
- delays in complaint handling
- rehabilitation programs.

While some of these complaint categories may relate to corrupt conduct (particularly where force has been misused), the majority relate to administrative matters that correctly sit with the VO.

Mandatory reporting regulations oblige DJR to notify IBAC of any suspected corrupt conduct. The introduction of mandatory reporting on 1 December 2016 for principal officers of public sector agencies has led to an increase in the number of notifications IBAC receives about corrections from DJR. However, since prisoners generally refer their complaints to the VO rather than DJR, and given that most of these complaints are administrative in nature, the introduction of mandatory reporting is unlikely to significantly alter the tendency of prisoners to complain to the VO.

4 Corruption issues affecting corrections

The nature of prison environments creates corruption risks not encountered by other public sector bodies. Provision of contraband to prisoners and inappropriate use of force against prisoners are issues specific to the corrections context. But many of the most serious corruption vulnerabilities facing the corrections sector are not unique; procurement fraud and information misuse are common risks across Victoria's public sector.

4.1 Risks to individuals

4.1.1 Provision of contraband

Commodities such as illicit drugs, pharmaceuticals, cigarettes, telephones, food and access to betting accounts are highly sought after in prisons. As a result, the price of these commodities inside a prison is many times higher than their street value, creating a strong motivation to smuggle them into prisons. The provision of contraband to prisoners by prison officers, is a significant risk to the safety, security and integrity of corrections facilities.²²

In Victoria, patterns of illicit drug use inside prisons are changing, with crystal methamphetamine ('ice') use having doubled in the past four years, and heroin use almost halved.²³ In addition, Victorian prisons banned smoking in July 2015, which dramatically increased demand for smuggled tobacco and has reportedly led to packs of cigarettes selling for as much as \$1000 inside Victorian prisons.²⁴

Illicit commodities can enter prisons in many ways including through visitors, staff, newly admitted prisoners, or in the mail, parcels or supplies.²⁵ Although it is difficult to determine which channels pose the greatest risk, a United Kingdom Home Office survey in 2005 found that 46 per cent of prisoners identified staff as the main channel for drug smuggling.²⁶ Corrections staff are a potentially attractive option for smuggling illicit commodities because they have knowledge of the security screening processes and control over those screening processes.

CASE STUDY – PRISON OFFICER SMUGGLING CONTRABAND AT PORT PHILLIP PRISON

In August 2014, a former prison officer was sentenced to 15 months imprisonment for smuggling mobile phones, takeaway food and other items into Port Phillip Prison. On at least eight occasions, the officer concealed and brought in prohibited items for prisoners including five mobile phones, six or seven SIM cards, food, an Allen key and a pair of tweezers. The officer was twice paid \$500 to smuggle food, and was also promised \$10,000, a holiday and a house.

²² Goldsmith, A. et al., 2016. *Tackling Correctional Corruption*, Palgrave Macmillan, London; Transparency International, 2011, *Corruption in the UK*, a. Accessed at www.transparency.org.uk/rss/7-uncategorised/download/82_397bfda4cd758807ecb3939619111e19.

²³ Victorian Ombudsman, 2015. *Investigation into the rehabilitation and reintegration of prisoners in Victoria*. Accessed at www.ombudsman.vic.gov.au/getattachment/5188692a-35b6-411f-907e-3e7704f45e17; Herald Sun, 2016, *Ice OD claims prison inmate*, Saturday, 9 July 2016, p 10.

²⁴ Consultation with Port Phillip Prison security managers conducted 9 March 2016.

²⁵ Blakey, D., 2009, *Disrupting the supply of illicit drugs into prisons*, United Kingdom National Offender Management Service, http://insidetime.org/download/research_&_reports/blakey-report_Drugs-Prisons.pdf.

²⁶ Transparency International, 2011, *Corruption in the UK*, www.transparency.org.uk/publications/corruption-in-the-uk-overview-policy-recommendations/.

4.1.2 Inappropriate relationships

Inappropriate relationships may be cultivated by prisoners as a means of obtaining contraband, access to information or favourable treatment from prison staff.²⁷ Even where a relationship appears to be the only goal rather than a strategy for enabling corrupt activities, it contributes to a breakdown in expected standards of integrity in correctional facilities and creates opportunities for staff to be blackmailed or compromised.²⁸

CASE STUDY – OPERATION ETRICK

In December 2014, IBAC was notified of allegations that some corrections officers were trafficking illicit drugs into Port Phillip Prison, had used illicit drugs, and had significant links to organised crime entities. Working with the Victoria Police Drug Task Force, IBAC investigated a small network of prison officers at Port Phillip Prison. IBAC's investigation found:

- at least two prison officers maintained associations with former prisoners in contravention of prison policy and corrections standards
- one prison officer attempted to use their position to influence the transfer of a current prisoner. This transfer attempt was a favour to a former prisoner with whom the prison officer had inappropriately maintained contact.

In addition to the inappropriate associations, IBAC identified one prison officer involved in the production and trafficking of illicit drugs and two other prison officers using illicit drugs. Two of the prison officers had worked together in the same unit for an extended period of time and one of them held a leadership role in that unit.

IBAC found that the inappropriate associations maintained by experienced officers modelled poor practices for others and may have undermined professional standards in the entire unit. There was also a poor understanding of declarable associations and conflicts of interest across the unit. This may have limited the capacity of colleagues to confidently identify wrongdoing in the unit.

As a result of IBAC's investigation, three corrections officers had their authority revoked by CV in November 2015. They were subsequently dismissed in December 2015.

²⁷ Consultations with Corrections Victoria Intelligence Unit 2014, 2015, 2016 and DJR Employee Investigations conducted 28 September 2016.

²⁸ Galloway, A., 2016 *Intimate inmate relationships, security breaches among Victorian prison guards' misconduct*, Herald Sun, 4 May 2016, www.heraldsun.com.au/news/law-order/intimate-inmate-relationships-security-breaches-among-victorian-prison-guards-misconduct/news-story/89e6a8a70b33a55f5ccce5f734c1e34f?csp=80e470f795dbc57339427c6ce4447a6d.

The potential for inappropriate relationships to develop between correctional staff and prisoners arises from the close supervisory relationships required in correctional settings. Regular interaction between prisoners and staff is likely to increase under CV's Offender Management Framework case management approach.²⁹ Under this model, a prison officer has dual responsibilities: developing a plan to address a prisoner's needs and maintaining security in the prison.³⁰

4.1.3 Excessive use of force

Correctional settings are unusual in that the use of restraint and force is sometimes necessary. This creates the risk of prison officers using excessive force against prisoners. Ensuring appropriate use of force in Victorian correctional facilities is particularly important in view of section 22 of the *Charter of Human Rights and Responsibilities Act 2006*, which provides for the right to humane treatment when deprived of liberty.

There is limited data on officer-on-prisoner assaults in Australian prisons.³¹ To date, most research and data published on violence in prisons has focused on prisoner-on-prisoner incidents. DJR states that corrections officers routinely submit 'use of force' forms when force has been necessary, and that DJR's Employee Investigations area receives few complaints in relation to use of force.³²

However, other data sources suggest that excessive use of force in prisons requires ongoing vigilance. VO records 'treatment when deprived of liberty' as the second most common issue related to corrections complaints (after 'health services').³³ In surveys of Queensland prison officers, approximately 20 per cent stated that physical assaults of prisoners occurred sometimes, frequently, or all the time.³⁴

4.2 Risks to organisations

4.2.1 Inappropriate access to and release of information

Unauthorised information access and disclosure present significant corruption risks for corrections. While this sometimes involves individuals deliberately disclosing information with malicious intent or for personal gain, it can also stem from a lack of understanding of information security.³⁵

CASE STUDY – NORTHERN TERRITORY PRISON OFFICER CONVICTED FOR COMMUNICATING CONFIDENTIAL INFORMATION TO PRISONERS

In February 2015, a former Northern Territory prison officer pleaded guilty to 12 charges including communicating confidential information to criminals, illegally accessing data and supplying illicit drugs.³⁶ The officer:

- sourced information from a confidential database about an individual who regularly supplied the officer with illicit drugs
- provided information and advice to an associate on how to smuggle illicit drugs into the prison where the officer worked
- passed messages from prisoners to organised criminals outside the prison.

The extent of the officer's offending highlighted the sensitive nature of the information available to prison officers and the damage that information security breaches can cause.

²⁹ Corrections Victoria, 2016, *Offender Management Framework*, www.corrections.vic.gov.au/utility/publications+manuals+and+statistics/offender+management+framework.

³⁰ Victorian Ombudsman, 2015, *Investigation into the rehabilitation and reintegration of prisoners in Victoria*. www.ombudsman.vic.gov.au/getattachment/5188692a-35b6-411f-907e-3e7704f45e17, p 5.

³¹ Goldsmith, A. et al., 2016, *Tackling Correctional Corruption*. Palgrave Macmillan, London, p 88.

³² Consultation with DJR Employee Investigations conducted 28 September 2016.

³³ Victorian Ombudsman, *Annual Report 2015/16*, p 20, www.ombudsman.vic.gov.au/Publications/Annual-Reports.

³⁴ Crime and Misconduct Commission, 2009, *Perceptions of misconduct in Queensland correctional institutions: a survey of custodial officers*, www.ccc.qld.gov.au/research-and-publications/publications/misconduct/perceptions-of-misconduct-in-queensland-correctional-institutions-a-survey-of-custodial-officers.pdf.

³⁵ Consultation with Corrections Victoria Intelligence Unit conducted 11 February 2015.

³⁶ ABC News, 2015, *Former Darwin prison guard given five-year jail sentence for drug, corruption crimes*, www.abc.net.au/news/2015-02-25/former-darwin-prison-guard-sarah-rudd-five-years-prison/6260742.

4 Corruption issues affecting corrections

Tightening information security in prisons can be difficult because prison officers need to be able to access and share information to do their jobs effectively. For example, Victorian prison officers have access to databases that store information on prisoners and prisoner visitors. Access to this information is important to facilitate regular prisoner movements between facilities and to effectively share information between different prisons. However, there have been multiple instances of officers inappropriately accessing prisoner or prisoner visitor details. To address these breaches, CV has increased auditing of its databases to discourage inappropriate access and to identify information security breaches.

In 2015, CV extended certain access privileges for its intelligence system to prison officers in public and private prisons. This aimed to increase intelligence reporting and sharing, particularly between public and private prisons. Information held on this database is important for managing prisoner relations and placements (for example in relation to organised crime affiliations); however, this information is also attractive to individuals inside and outside correctional facilities.

In addition to database access issues, challenges exist around information management in corrections. Because of the high risk and physical nature of much of the work, some prison officers can focus on the operational side of their roles and neglect the importance of document management, leading to poor information handling practices and a greater likelihood of information security breaches.³⁷

4.2.2 Corrupt procurement practices

Victorian public sector bodies and IBAC's investigations consistently identify procurement as one of the most vulnerable public sector practices for corruption.³⁸ This issue is particularly relevant for corrections where a large proportion of the corrections budget is allocated to capital expenditure.³⁹ The significant growth in Victoria's prison population over the past five years has required substantial capital outlays dedicated to building, expanding and refurbishing prisons. These projects can provide opportunities for corrupt conduct such as awarding contracts to friends or family, manipulating invoices, or falsely inflating the cost of works.

Consultations with DJR indicate the procurement issues do not seem to be connected with any activity that is specific to the corrections sector. The issues identified are the same across DJR and the public sector generally.⁴⁰ However, some aspects of the way procurement is managed in DJR may create opportunities for inconsistent procurement practices.

For example, although large, complex capital projects in DJR should be managed centrally by Built Environment and Business Sustainability (BEBS), a branch situated in the Finance, Infrastructure and Governance division, there does not appear to be a particular dollar threshold that triggers BEBS involvement. This lack of clarity around procurement policies and controls could be exploited, although DJR has advised it has established a range of governance committees to address the risks associated with capital projects.

³⁷ Consultations with DJR Risk, Audit and Integrity conducted on 16 September 2016.

³⁸ IBAC, 2015, *Corruption perceptions survey of Victorian public sector bodies*. www.ibac.vic.gov.au/publications-and-resources/article/survey-of-victorian-government-suppliers.

³⁹ Victorian Ombudsman, 2015, *Investigation into the rehabilitation and reintegration of prisoners in Victoria*, www.ombudsman.vic.gov.au/getattachment/5188692a-35b6-411f-907e-3e7704f45e17.

⁴⁰ Consultations with DJR Risk, Audit and Integrity conducted on 16 September 2016.

CASE STUDY – OPERATION NEPEAN

IBAC's Operation Nepean investigated allegations of serious corrupt conduct against a former manager of the facilities department at the DPFC. It was alleged the manager subverted procurement processes and failed to fully declare and manage conflicts of interest when awarding contracts to his son.

IBAC's investigation found significant procurement failures including:

- the manager frequently ignored DJR procurement policy, which required competitive processes (quotations or tenders) when goods or services exceeded a certain value
- after contracts had been awarded by the manager, significant additional costs and contract variations were often submitted, which increased the value of the contracts
- there was a lack of purchase orders for amounts over \$2000
- invoices were split to ensure they fell below thresholds that would otherwise require further quotes or putting a job out to tender.

IBAC's investigation uncovered significant conflict of interest failures by the manager who did not remove himself from the procurement process when dealing with his son. He also facilitated the recruitment of another son as a senior prison officer. The manager also breached DJR's gifts, benefits and hospitality policy by receiving a boat and trailer as a gift from an individual to whom the manager had awarded electrical contract work.

IBAC identified that DPFC did not adequately oversight the manager, failed to segregate procurement duties and failed to address staff complaints about the manager's conduct. There was also a culture in DPFC of bypassing procurement policies and procedures to meet timelines, and a reluctance to engage BEBS for significant work because of perceived delays.

In response to Operation Nepean, DPFC and CV have advised that they have strengthened policies, processes and training in relation to procurement, conflicts of interest and integrity.⁴¹

Operation Nepean highlighted the poor procurement culture that existed at DPFC and how poor practices were justified by a drive to complete projects as quickly as possible. It also demonstrated the importance of oversight of procurement in prisons by prison general managers as well as by other areas of DJR.

⁴¹ A special report on Operation Nepean (April 2017) is available on IBAC's website.

5 Drivers and areas of heightened risk

The drivers of corruption issues in the corrections sector can be temporary (eg periods of high-volume recruitment), or ongoing (eg working in small regional communities). Understanding how these factors can heighten risks is important when planning and applying prevention and detection strategies.

5.1 Periodic issues

5.1.1 High-volume recruitment

Victoria's prison population has grown significantly in recent years. In the four years between 2009 and 2012, the Victorian prison population rose by just under 11 per cent. In the subsequent three years, this growth more than doubled to 25 per cent.⁴² Victoria's average prison population over 2016/17 was 6853,⁴³ and this is projected to increase to 8300 in 2019.⁴⁴ In response, the number of corrections officers and CV employees has grown rapidly.

Large-scale recruitment of corrections officers presents challenges that can give rise to integrity issues:

- Attracting a high volume of suitable applicants is difficult in a competitive market. Victoria Police recruiting efforts for police officers, protective security officers and custody officers can target similar prospective employees, impacting on availability.
- There are challenges recruiting in regional communities where some prisons operate and some community corrections officers are based. Small regional centres may have a limited supply of suitable officers and are also more likely to present conflict of interest issues, because of the greater likelihood of officers having pre-existing relationships with prisoners or their associates.
- When large new prisons commence operations, the majority of staff can be inexperienced, which presents challenges for establishing a strong integrity culture. The opening of large facilities also draws staff away from existing prisons, creating human resources challenges for those facilities.
- Recruiting large numbers of employees puts pressure on vetting processes, making it more difficult to identify corruption vulnerabilities such as conflicts of interest or problematic past behaviour.

FIGURE 4: FULL TIME EQUIVALENT STAFF EMPLOYED AS CUSTODIAL OR COMMUNITY CORRECTIONS OFFICERS AS RECORDED ON 30 JUNE EACH YEAR⁴⁵

Position	2013	2014	2015	2016	Percentage change
Custodial officers	1949	2296	2599	2733	40%
Community corrections officers	591	611	668	805	36%

⁴² Victorian Ombudsman, 2015, *Investigation into the rehabilitation and reintegration of prisoners in Victoria*, www.ombudsman.vic.gov.au/getattachment/5188692a-35b6-411f-907e-3e7704f45e17.

⁴³ Department of Justice and Regulation, *Annual Report 2016-17*, DJR, Melbourne.

⁴⁴ The Age, 2016, *Overcrowding as remand inmates swell jail numbers*, 26 August 2016, p 7.

⁴⁵ Victorian Public Sector Commission, *The State of the Public Sector in Victoria 2015/16*, p 26; Victorian Public Sector Commission, *The State of the Public Sector in Victoria 2014/15*, p 24; Victorian Public Sector Commission, *The State of the Public Sector in Victoria 2012/13*, p 87.

DJR states that high-volume recruitment of corrections officers will continue to be necessary for the next three to five years.⁴⁶ This growth will be driven by:

- ongoing anticipated increases in prisoner numbers
- the opening of new prisons – particularly the large Ravenhall facility in 2017 which can hold 1000 prisoners
- significant increase in demand for community corrections officers following legislative changes to parole arrangements.

5.1.2 Working conditions for corrections officers

The recent growth of Victoria's prison population creates challenges for the safety of prisoners and staff. Overcrowding can place pressure on shared facilities and increase conflict and violence in correctional facilities.⁴⁷ The growth in prisoner numbers has coincided with an increase in prisoner incidents, with significant increases in the numbers of serious incidents per prisoner.⁴⁸ In such environments, correction officers do dangerous jobs while generally being paid less than police officers and receiving less training.

Disaffected or de-motivated staff present opportunities for manipulation. Disaffection may be caused by low pay, potentially violent working conditions, overcrowding or a lack of career progression.⁴⁹ Financial motivations are particularly relevant given the highly inflated value that can be charged inside prisons for commodities such as food and cigarettes. DJR has recently sought to address the perceived lack of clear career pathways for corrections officers by introducing graduated pay and responsibility levels in the corrections officer band.⁵⁰

5.2 Structural issues

5.2.1 Regional operations

Corrections facilities and community corrections officers based in regional areas face additional challenges to maintaining strong integrity standards, particularly in relation to matters such as conflicts of interest and recruitment. Community corrections staff based away from regional offices have less face-to-face interaction with supervisors and colleagues, potentially creating opportunities to engage in corrupt conduct without detection.

Conflicts of interest are more likely to arise in regional areas, particularly where corrections is one of the biggest employers. In these areas there is a much higher chance that corrections officers will have social or family connections to their colleagues, creating possible conflicts of interest around recruitment, promotion and other operations. Less likely, but of greater concern, is the possibility that officers will have connections to prisoners or prisoners' families. These connections could make officers more likely to be targeted for contraband, information or favourable treatment.

Human resources issues in regional corrections facilities include the recruitment challenges discussed above as well as a lack of turnover in some regional corrections facilities. There is no mandatory rotation for prison officers and there can be an understandable reluctance for prison officers to move between regional prisons, since it may involve relocation from established homes and families.⁵¹ Low levels of turnover increases the likelihood of inappropriate relationships developing between prisoners and officers. When the staffing makeup of workgroups becomes entrenched, it can be more difficult to report misconduct concerns or reform workplace practices.

⁴⁶ Consultation with DJR Employee Investigations conducted 28 September 2016.

⁴⁷ Jesuit Social Services, 2015, *Overcrowding in Victorian prisons*, <https://jss.org.au/overcrowding-in-prisons-the-backdrop-to-riots/>.

⁴⁸ 'Serious incidents' refers to assaults, attempted suicides and self-mutilation. Victorian Auditor-General, 2012, *Prison Capacity Planning*, www.audit.vic.gov.au/sites/default/files/20121128-Prisons.pdf.

⁴⁹ Transparency International, 2011, *Corruption in the UK*, www.transparency.org.uk/publications/corruption-in-the-uk-overview-policy-recommendations/.

⁵⁰ Consultation with DJR Employee Investigations conducted 28 September 2016.

⁵¹ Consultation with DJR Employee Investigations conducted 28 September 2016.

5.2.2 Non-custodial staff

Although custodial staff face integrity risks due to the leading role they play in interacting with prisoners, many other positions in the corrections system face similar risks. Non-custodial staff, including teachers, medical workers, social workers and maintenance staff, also engage with prisoners and could be vulnerable to corrupt approaches.⁵²

Some aspects of the roles performed by non-custodial officers may make them more vulnerable to targeted corrupt approaches.⁵³ These factors include that non-custodial officers:

- often work one-on-one with prisoners
- do not have a large peer support group with which they come into day-to-day contact
- often have a greater focus on relationship-building with prisoners as part of their role
- may not receive adequate training on integrity or corruption risks and prevention strategies.

5.2.3 Model of public and private operations

Since the mid-1990s, Victoria's corrections system has included both publicly and privately operated prisons. This model seeks to retain public control while capturing the expertise and efficiencies of the private sector.⁵⁴ This model creates parallel but differing oversight systems for correctional officer behaviour. For example, Victoria's private prisons have the power to direct corrections officers to take part in drug testing, whereas there is no power to similarly direct corrections officers in public prisons.

The contracts for private operators specify standards of behaviour linked to financial incentives and penalties.⁵⁵ These performance measures could incentivise private providers to conceal employee misconduct in order to meet performance benchmarks. However, IBAC's research and consultations did not reveal any instances of private providers in Victoria obscuring poor employee behaviour to meet performance standards. On the contrary, private providers appeared to be proactive in adopting policies and practices for preventing, identifying and addressing employee misconduct and corrupt conduct.

⁵² Transparency International, 2011, *Corruption in the UK*, www.transparency.org.uk/publications/corruption-in-the-uk-overview-policy-recommendations/.

⁵³ Consultation with custodial and non-custodial officers at Fulham Correctional Centre on 6 July 2016.

⁵⁴ Corrections Victoria, 2016, *Project Summary – Port Phillip Prison Contract Extension*, www.corrections.vic.gov.au/utility/publications+manuals+and+statistics/project+summary+-+port+phillip+prison+contract+extension.

⁵⁵ Corrections Victoria, 2016, *Project Summary – Port Phillip Prison Contract Extension*, www.corrections.vic.gov.au/utility/publications+manuals+and+statistics/project+summary+-+port+phillip+prison+contract+extension.

6 Prevention and detection strategies

DJR and CV have policies and practices in place to prevent and detect corruption and misconduct. These strategies include audits, vetting of employees and investigations of alleged misconduct. Nevertheless, there are still areas for improvement and reform in the corrections sector. Measures that have been adopted by interstate corrections agencies and some private operators of Victorian prisons could be applied more broadly in Victoria to help prevent future corrupt conduct.

6.1 Culture and training

Australian and international research has shown the most effective protection against corruption is a strong organisational culture that is alert to integrity risks.⁵⁶ When employees and management understand the issues, have received appropriate training and are kept up-to-date on emerging risks, they are better equipped to maintain high standards of integrity and to identify warning signs in others' behaviour.

DJR is taking steps to improve staff understanding of integrity issues.⁵⁷ DJR has introduced a system of integrity champions to promote conversations about integrity and corruption issues and make it easier for those in regional centres to access information on risks. Further, DJR is taking steps to address custodial officer disaffection through reforms to training, position descriptions and opportunities for career progression.

There are other opportunities to improve integrity training in the corrections sector. While some ethics training is part of the recruit training for new corrections officers, some prisons do not routinely deliver refresher training on integrity issues such as professional boundaries and conflicts of interest. There also appears to be limited training delivered to non-custodial staff around integrity issues and the particular challenges they may face working in correctional environments.

6.2 Proactive management of allegations and intelligence

It is important that information about possible integrity issues is shared and acted upon appropriately and proactively. CV has systems for identifying, assessing and referring possible integrity matters. However, if not managed correctly, employee integrity issues can fall into the gaps between areas, or not receive an appropriate organisational response. Employees may not be motivated to report concerns if they do not believe they will be followed up.

Responding to intelligence on employee integrity issues helps contribute to a strong integrity culture and encourages further reporting. This includes introducing frameworks for identifying officers with multiple allegations and determining appropriate interventions at different points in officers' complaint histories. Other jurisdictions have established dedicated units in their police services to target corruption in corrections facilities.⁵⁸

⁵⁶ Centre for the Protection of National Infrastructure (United Kingdom), 2013, *Insider data collection study: Report of main findings*, www.cpni.gov.uk/Documents/Publications/2013/2013003-insider_data_collection_study.pdf.

⁵⁷ Consultations with DJR Risk, Audit and Integrity conducted on 16 September 2016.

⁵⁸ For example, in 2015 Western Australia established a dedicated police unit targeting corruption in prisons. In the year after this unit was established, six corrections officers were dismissed for offences including drug trafficking, assaults on inmates, drug use at work and unlawful computer access. Another eleven officers resigned while under investigation for serious misconduct and a further six stood down as inquiries continue into allegations against them. By comparison, no officers were sacked during 2014. See <https://au.news.yahoo.com/thewest/wa/a/30548046/corruption-clampdown-on-jail-staff/>. For information about dedicated prison corruption units in the United Kingdom see: U4 Anti-Corruption Resource Centre, 2015, *Corruption risks in the criminal justice chain and tools for assessment: Detention and corrections*, www.u4.no/publications/corruption-risks-in-the-criminal-justice-chain-and-tools-for-assessment-chapter-5-detention-and-corrections/.

6.3 Drug testing

There is no power to direct corrections officers working in public prisons in Victoria to undergo drug tests, even when an officer is suspected of using illicit drugs in a correctional facility or for officers involved in critical incidents⁵⁹ in prisons.⁶⁰ CV's alcohol and drug strategy focuses on illicit drug use by prisoners and does not discuss strategies for identifying or preventing illicit drug use by staff.⁶¹

Victoria's private prisons do have the power to direct staff to undergo drug testing, however this power is used infrequently.⁶² There is currently no widespread randomised testing of corrections officers to detect drug use.

Victoria's approach to drug testing corrections officers contrasts with the approach of some other states and territories. New South Wales, Western Australia and the Northern Territory have policies or regulations covering drug testing of corrections officers that include randomised testing, targeted testing and testing after critical incidents.⁶³

6.4 Vetting and revalidation of employees

Vetting employees when they are recruited can identify risk factors that might make potential employees vulnerable to targeting by prisoners, allowing the most appropriate applicants to be selected or risk mitigation strategies to be put in place. Periodic follow-up screening of employees' security risk factors at regular or random intervals is also important to ensure appropriate responses to changes in employees' circumstances.

CV is reforming its vetting procedures to ensure all corrections officers are subject to national police checks and fingerprinting upon recruitment and that basic revalidation of staff is undertaken when employees are moved, transferred or promoted. Ensuring consistent and thorough vetting practices are maintained will be particularly important through the ongoing period of high-volume recruitment.

⁵⁹ Critical incidents are incidents resulting in the death or serious injury of a person.

⁶⁰ Consultations with CVIU conducted in 2015 and 2016, and with DJR Employee Investigations conducted 28 September 2016.

⁶¹ Corrections Victoria, 2015, *Corrections alcohol and drug strategy*, www.corrections.vic.gov.au/utility/publications+manuals+and+statistics/corrections+alcohol+and+drug+strategy+2015.

⁶² Information provided by Corrections Victoria on 13 November 2017.

⁶³ Corrective Services New South Wales, 2012, *Employee alcohol and other drugs policy and procedures*, www.correctiveservices.justice.nsw.gov.au/Documents/Amended-Employee-Alcohol-and-Other-Drugs-AOD-Policy-17-May-2012.pdf; Western Australian Government, 2016, *Gazette No. 43*, www.parliament.wa.gov.au/publications/tabledpapers.nsf/displaypaper/3913978a1bf220d30ff71e4b48257f7e00289333/%24file/3978.pdf; Northern Territory Numbered Acts, *Correctional Services Act 2014*, www.austlii.edu.au/au/legis/nt/num_act/csa201426o2014280/.

6.5 Declarable associations policies

Personal relationships between corrections employees and criminal entities may be cultivated by prisoners as a means of obtaining contraband, access to information or favourable treatment from prison staff. In some cases, there may be unavoidable pre-existing relationships or connections between officers and prisoners or prisoners' families, particularly in regional areas. Such associations could be perceived as influencing corrections employees' decision-making in their role.

Declaring associations, recording them and putting appropriate management strategies in place helps maintain the integrity of the employee and the corrections system.⁶⁴ DJR has a declarable associations policy which is supplemented by CV's *Corrections Conduct and Ethics Policy*. However, CV does not have a centralised system for recording and managing declarable associations. Victoria's private prisons also lack systems for recording and managing declarable associations, as highlighted in IBAC's Operation Ettrick.

CASE STUDY – OPERATION ETRICK POOR MANAGEMENT OF DECLARABLE ASSOCIATIONS

Under the Port Phillip Prison staff code of conduct, staff were required to report any contact with former prisoners to the general manager of the prison. The general manager indicated that some contact reports are recorded in the email system and some are recorded in information reports on the CV intelligence system. There was no centralised system for recording associations and no standardised approach to managing declarable associations when they arose.

Despite the code of conduct's requirements, Operation Ettrick found that many instances of contact between corrections officers and former prisoners were not reported and some officers did not believe they were obliged to report such contact. This highlighted the need for appropriate training (including refresher training) around code of conduct requirements.

⁶⁴ Committee on the Office of the Ombudsman and the Police Integrity Commission, 2010, *Report on an inquiry into improper associations in the NSW Police Force*, Report No 13/54, [www.parliament.nsw.gov.au/prod/parlament/committee.nsf/0/82933bd4734c5c12ca2577d8001853bb/\\$FILE/Report%20on%20Improper%20Associations%20in%20the%20NSW%20Police%20Force.pdf](http://www.parliament.nsw.gov.au/prod/parlament/committee.nsf/0/82933bd4734c5c12ca2577d8001853bb/$FILE/Report%20on%20Improper%20Associations%20in%20the%20NSW%20Police%20Force.pdf).

6.6 Procurement red flags

As with other areas of the public sector, employees and suppliers in the corrections sector must be alert to procurement red flags during tendering, evaluation, invoicing and delivery. Control measures such as conducting due diligence, regular and random audits, establishing frameworks for managing conflicts of interest and rotating employees in high-risk positions can help prevent and detect integrity issues in procurement practices.⁶⁵

Although CV and DJR have a range of measures to ensure good procurement practices, Operation Nepean demonstrated how these protections could be undermined by poor supervision, inadequate record-keeping and the development of workplace cultures that tolerate deviation from policies and procedures. Ensuring that DJR's procurement policies are robustly applied across the corrections system is likely to be an ongoing challenge.

⁶⁵ Additional information on procurement red flags is available on IBAC's website at www.ibac.vic.gov.au/preventing-corruption/are-you-vulnerable-to-corruption/procurement.

7 Conclusion

The unique nature of the corrections sector makes it particularly vulnerable to specific corruption risks. Issues related to the provision of contraband and excessive use of force within custodial environments are not routinely encountered across most other public sector agencies. Further, the nature of the services provided by corrections and the prisoner population introduces heightened risks around inappropriate information use and inappropriate relationships. These risks are not specific to the Victorian corrections sector, but are tied to the nature of correctional environments across Australia and overseas.

Despite the inherent corruption risks in this sector, IBAC receives fewer complaints than expected about corrections. The introduction of mandatory reporting on 1 December 2016 has not significantly altered the overall trend of prisoner complaints being directed towards the VO.

DJR and CV are alert to the corruption risks facing the corrections sector in Victoria and have policies in place to address the key risks. However, the rapid growth of the sector, the high-risk nature of corrections operations, and the challenges of maintaining consistent standards across public and private prisons, and in regional and metropolitan areas, reinforce the need for continuous improvement to policies, systems and practices to prevent corruption.

