



Crime and Corruption Commission

QUEENSLAND

Taskforce Flaxton

An examination of corruption risks and
corruption in Queensland prisons

December 2018



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.