

Thursday 26 September 2013

## Investigation into the possession and supply of steroids and other matters involving a Corrective Services NSW corrections officer

### ICAC FINDINGS

The ICAC has found that Robert Di-Bona engaged in corrupt conduct by:

- supplying prescribed restricted substances (steroids) to Christopher Warren, in December 2012 and February 2013, in exchange for cash payment
- failing to report Mr Warren's use of steroids in accordance with CSNSW's Alcohol and Other Drugs Policy
- attending work while under the influence of prohibited drugs
- supplying steroids to a former inmate referred to as "NL" on at least three occasions in late 2012 and early 2013 in exchange for cash payments
- failing to disclose his relationship with NL contrary to CSNSW's Contact with Offender Policy
- using his mobile telephone while on duty on a number of occasions, contrary to NSW law.

The ICAC found that Christopher Warren engaged in corrupt conduct by:

- purchasing, and subsequently, possessing steroids
- failing to report Mr Di-Bona's use of steroids in accordance with CSNSW's Alcohol and Other Drugs Policy.

### ICAC RECOMMENDATIONS

The ICAC is of the opinion that the advice of the Director of Public Prosecutions should be obtained with respect to the prosecution of Mr Di-Bona for six offences of giving false evidence to the Commission, contrary to section 87 of the *Independent Commission Against Corruption Act 1988*.

The Commission is also of the opinion that consideration should be given by CSNSW to the taking of disciplinary action against Mr Di-Bona with a view to his dismissal, and the taking of disciplinary action against Mr Warren for his use of steroids.

### CORRUPTION PREVENTION

This investigation exposed systemic and operational weaknesses, the substance of which had recently been addressed in recommendations made in the ICAC January 2013 report, *Investigation into the smuggling of contraband into the Metropolitan Special Programs Centre at the Long Bay Correctional Complex*. That report contained five recommendations that also address the corruption risks exposed in this investigation, which CSNSW has indicated will be implemented as recommended. The Commission is therefore of the view that no new or revised recommendations need to be made in relation to this matter.

### BACKGROUND

In July 2012, the ICAC received a report from CSNSW pursuant to section 11 of the ICAC Act alleging that Mr Di-Bona was involved in trafficking steroids, illegal drugs and other contraband items into the MSPC in return for which he was paid between \$500 and \$1,000 for each delivery.

The evidence obtained in this investigation from compulsory examinations and from the use of lawful electronic surveillance devices established that Mr Di-Bona had supplied steroids to a fellow CSNSW employee, maintained a personal relationship with a former inmate and supplied that person with steroids, attended work while under the influence of a prohibited drug on two occasions, and repeatedly used his mobile telephone while on duty at the MSPC contrary to NSW criminal laws. In these circumstances, the Commission determined that it was neither necessary nor in the public interest to conduct a public inquiry, which would merely duplicate the evidence already obtained, would not materially assist the investigation, and would necessarily delay the publication of the investigation report, its findings and recommendations. The report is available on the ICAC website at [www.icac.nsw.gov.au](http://www.icac.nsw.gov.au).

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