

D22/0179452

23 February 2022

Mr Lewis Rangott
Executive Director
Corruption Prevention
Independent Commission Against Corruption
GPO Box 500
SYDNEY NSW 2001

Dear Mr Rangott

Progress on the plan of action to implement corruption prevention recommendations made in the report: *Investigation into the conduct of NSW Corrective Services Officers at Lithgow Correctional Centre*

Before highlighting some of the key corruption prevention measures implemented, I would like to thank you for your involvement with the Use of Force Steering Committee. Your input and advice have been valuable throughout and I appreciate the time and effort you gave to assist us in this way.

Since September 2019, when the Corrective Services NSW (CSNSW) plan of action was provided to you, a number of initiatives have been progressed and implemented.

One of the key changes implemented is the Tiered Use of Force (UOF) Review Model. The model is designed to improve oversight and supports continuous improvement by triaging UOF incidents into two tiers. This model formally commenced in December 2019 and continues to run today. The UOF Review Committee meet regularly, the table below provides a snapshot of their activities to date:

CSNSW UOF Review Committee Tier 1 Referrals (as at 20/01/2022)		
Outcome of review	Number of cases	%
No further action	172	76.4
Remedial (training)	30	13.3
Referred to Professional Standards	23	10.2
Total	225	100

Additionally, the roll out of Body Worn Camera (BWCs) has progressed significantly over the last 12 months with over 800 cameras issued across correctional centres, court escort security locations and the Security Operations Group. Hundreds of thousands of hours of footage has been recorded and the working group continue

to progress storage, retrieval and governance processes to support implementation and continuous improvement.

Further to this a range of actions have been taken to support implementation of the recommendations, including:

- The Professional Standards Branch has established a support unit. The initial pilot began in February 2021. Uptake has been high and initial feedback very positive. The pilot was extended for another six months.
- The CSNSW Investigations Branch completed their investigations manual and also underwent a restructure in which additional resources were deployed and workloads realigned to improve service delivery.
- Work continues on the legislative amendments required to ensure CSNSW staff can dispose of contraband in a safe manner.
- In April 2021 the new DCJ Code of Ethical Conduct was release and all CSNSW staff are required to complete mandatory online training to support their understanding.
- In July 2021, CSNSW launched the 'Our Culture Our Future' initiative which includes a range of resources aimed at positively influencing the culture of the workplace.

Please find attached a copy of the action plan which has been updated to incorporate the progress of the implementation of recommendations which have been made since September 2020.

If you require further information regarding this progress report please contact Ms Mari Tomic on 02 8346 1716.

Yours sincerely



KEVIN CORCORAN PSM
COMMISSIONER

#	Recommendation	ICAC Response	CSNSW Response	Action to be taken describing activities, allocating responsibility, measures to be used	Progress Update August 2020	Progress update February 2022
1	That the personal assistant to a general manager (GM) of a correctional centre be required to enter all submitted incident reports into CSNSW's electronic systems.	Implement the intent of the recommendation in an alternative way	Accepted in principle	Regular informal reminders to be communicated to all staff at the local level on the need to submit relevant incident reports in OIMS or IRM in a timely manner. Formal reminder via Assistant Commissioners Memorandum to be circulated to all staff reinforcing the need to submit relevant incident reports in OIMS or IRM in a timely manner. Review current training and ensure appropriate emphasis on the need to ensure all officer reports are submitted in line with COPP requirements.	Complete. Complete. Alternative implementation reminders to staff about timeliness of reporting cascaded from senior management. Complete. Further to these actions, the Use of Force (UoF) Committee provides a quality assurance mechanism to ensure that all officers involved in the UoF have submitted incident reports.	CSNSW issues regular formal and informal reminders regarding comprehensive and timely reporting of incidents by all staff involved in incidents.
2	That CSNSW ensures its policies and procedures discourage the sharing or misuse of passwords. These requirements should also be reflected in the relevant officer's training.	Implement the recommendation as described in the report	Accepted	Add Information Security as an agenda item under the Work Health and Safety section of the Custodial Executive meeting to maintain focus on this issue. Develop training for UoF Reviewing Officers to support transition to tiered review model. - ensure training reinforces the security requirements for all staff including the appropriate use of passwords, to enable local monitoring and management. Review Brush Farm Corrective Services Academy material, including primary training and any relevant courses to ensure information security policy and procedures are addressed adequately in line with Recommendation 2. Develop and implement localised communication strategies to remind staff about their obligations with regards to information security.	Complete. Complete. Online refresher training is in development. Complete. Complete.	Regular reminders continue to be issued to all CSNSW staff. In May 2021 the DCJ Information Security Policy was released and all staff completed mandatory online training in Information Security and Privacy Awareness training which further underlined the appropriate use of passwords to all staff.
3	That CSNSW introduces controls to ensure that, if required information is not entered into the Offender Integrated Management System (OIMS) within a specified period of time, a report will be generated and a review conducted by an appropriate officer who will be required to report to the GM.	Implement the intent of the recommendation as described in the report in an alternative way	Accepted	Investigate reporting options with Corrections Research Evaluation and Statistics to consider how the timeliness of reporting can be monitored more closely through existing practices. Reinforce the importance of timely reporting formally through training, informally at meetings and in performance discussions with staff.	Complete. At present, monitoring of the timeliness of reporting remains a function of the Security and Intelligence Duty Officer. Complete. This was also a part of the UoF Reviewing Officer training course rolled out in November 2019. Further to this: a review of the reporting module has been completed and changes will be implemented and enhance incident data collection will shortly be implemented. the UoF Review Committee consider timeliness of reporting in their reviews and take action or escalate as required.	The importance of timely reporting continues to be reinforced regularly with staff.

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4	That CSNSW: <ul style="list-style-type: none"> supplies body cameras to correctional officers who are likely to be involved in UoF incidents and prioritises the supply of these cameras to correctional officers assigned to the IATs. provides correctional centres with the means to readily obtain footage from these body cameras and store it for a sufficient period of time. 	Implement the recommendation as described in the report	Accepted	CSNSW to roll out body worn cameras to all Immediate Action Teams across the state. CSNSW to provide local capacity to expand use of body worn cameras to identified posts. Ensure body worn camera footage is stored appropriately and minimises human error or intervention in data retention. Update all relevant policy and procedures roll out of body worn cameras. Throughout the trial, regular reports were provided to the Assistant Commissioner, Security & Intelligence and relevant stakeholders, this will continue right through implementation and into business as usual operations.	Complete. Implementation of expanded use of body worn cameras is underway. Complete. Complete.	Body Worn Cameras have become part of CSNSW's business as usual with key posts within correctional centres and staff on escort using body worn cameras. Any footage recorded on the BWC is automatically uploaded and securely stored each time the camera is docked.
5	That CSNSW: <ul style="list-style-type: none"> mandates the videorecording of the destruction of contraband drugs found on inmates or in their cells. provides correctional centres with the means to readily obtain such footage and store it for a sufficient period of time. Please indicate the response the public authority will take in its plan of action.	Implement the intent of the recommendation in an alternative way	Accepted	Review the section of the COPP relating to the discovery and disposal of drugs.	Complete. Existing policy requires all substantial contraband discoveries to be filmed wherever possible and an explanation to be provided if recording is not possible. The disposal of contraband is strictly governed by the Policy. Further work with key partner agencies including NSW Police Force is underway to ensure best practice in relation to the safe and lawful disposal of contraband.	Complete
6	That CSNSW ensures all correctional centres have sufficient technical resources to retain all CCTV footage that is necessary or desirable to retain under CSNSW procedures concerning the UoF and targeted searches.	Partially implement the recommendation	Accepted	Develop a storage solution that will support CSNSW to retain CCTV and relevant footage in relation to UoF incidents. Review policy and procedures regarding the recording of targeted searches.	Complete. An interim solution has been deployed statewide. A trial for a long term digital storage solution is well advanced. Complete. Following recent updates to the policy, a was issued to all custodial staff, reinforcing policy and procedures in relation to the filming of targeted searches.	Work continues to facilitate the consistent and centralised storage of all relevant CCTV footage, including footage related to UoF incidents.
7	That CSNSW requires that all contraband at correctional centres is photographed at the time of discovery. This requirement should be reinforced via relevant CSNSW training, compliance and audit programs.	Implement the intent of the recommendation in an alternative way	Accepted in principle	Review the section of the COPP relating to the discovery and disposal of drugs. Should the COPP be amended subsequent action will be taken to ensure relevant training, compliance and audit programs are updated.	Complete. Existing policy requires all substantial contraband discoveries to be filmed wherever possible and an explanation to be provided if recording is not possible. The disposal of contraband is strictly governed by Policy. Further work with key partner agencies including NSW Police Force is underway to ensure best practice in relation to the safe and lawful disposal of contraband. A requirement to photograph contraband at the time of discovery is reinforced during primary training.	Complete
8	That CSNSW communicates to the GMs and managers of security (MeSs) at all correctional centres that they cannot be involved in a review of any UoF package if they were involved in or a witness to the UoF in question. Instead, the UoF package must be externally reviewed.	Implement the recommendation as described in the report	Accepted	Develop an external review mechanism to ensure UoF incidents involving Governors and Managers of Security at correctional centres are not reviewed by those same Governors and Managers of Security.	Complete. The introduction of the Tiered UoF Review Model ensures that Governors/MCS involved in a use of force incident are not be involved in the review process.	The UoF Review Committee has been operating for almost two years. The Committee provides additional oversight and ensures that Governors and Managers of Security at correctional centres do not review UoF incidents they are involved in. The Committee provides regular updates to key Executive staff.

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9	That the activities of the IATs be included in any relevant Operational Performance Review Branch reviews, such as reviews of correctional centres against service specifications.	Implement the recommendation as described in the report	Accepted	OPRB reviews existing matrix with a view to include specific reference to Immediate Action Teams. OPRB continue to review correctional centre performance and compliance according to the review matrix. Enhance oversight of IAT ongoing training requirements and deployment within correctional centres.	Complete. Where relevant the security component of OPRB operation reviews will examine IAT operations to ensure compliance and inform continuous improvement strategies. Complete. Complete. A specialist role has been created to lead an oversee the training and ongoing operations of Immediate Action Teams across the state.	Complete
10	That following review by the MoS and GM of a correctional centre, UoF packages be sent to a centralised CSNSW business unit, which should: • receive this package before CCTV footage is overwritten • have direct access to relevant CCTV footage as recordings or photographs • review either (i) all UoF packages it receives or (ii) a proportion of the UoF packages it receives that is sufficient to readily identify systemic issues that relate to a particular correctional centre.	Implement the intent of the recommendation in an alternative way	Accepted	Develop a framework to support the implementation of Recommendation 10: - develop a digital solution to enable the centralised storage of UoF packages including CCTV footage and any other relevant files/documentation. - develop a model to review a proportion of UoF packages to enhance oversight and assurance with a view to identify systemic issues.	Complete. Complete. An interim solution has been deployed. A trial for a long term solution for state-wide implementation is underway.	The UoF Review Committee has been operating for almost two years. The Committee provides additional oversight and ensures that Governors and Managers of Security at correctional centres do not review UoF incidents they are involved in. The Committee issues training recommendations and follows up on completion in relation to UoF that incidents in which a skill deficit is observed. The Committee seeks to identify emerging themes and provides regular updates to key Executive staff.
11	That CSNSW develops specific, independent assurance mechanisms surrounding the searching of cells. These mechanisms should examine whether CSNSW procedures are being complied with, and good practice is being applied, in relation to the: • discovery of contraband, including video recording requirements • reporting of the discovery of contraband • confiscation and disposal of prohibited substances	Implement the intent of the recommendation in an alternative way	Accepted	The Operational Performance Review Branch (OPRB) continue to perform its assurance role within CSNSW, including at the Commissioner's request conducting any thematic review of correctional centre operating practices for compliance with policy and procedures. Communicate regularly with Functional Managers at correctional centres regarding the monthly validation process for searches and the importance of their assurance role.	Complete. Regular reminders to Functional Managers regarding the monthly validation process is an ongoing part of operations. Further work with key partner agencies including NSW Police Force is underway to ensure best practice in relation to the safe and lawful disposal of contraband.	Complete

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12	That CSNSW implements a coordinated strategy to improve the cultural environment for correctional officers within its centres, with a view to alleviating the burden imposed on those officers who report the misconduct of others. Logically, those measures might include: <ul style="list-style-type: none"> • focused training and education on the importance of reporting misconduct with a corrections environment • support for complainants and protection of their identity • avenues for making anonymous reports and identification • exposure and action in response to those who engage in bullying, harassment or other forms of reprisal. 	Implement the recommendation as described in the report	Accepted	Identify opportunities to support and encourage appropriate behaviour in the workplace. Incorporate opportunities for regular conversations and discussions in the workplace about behaviour and conduct. Review the Professional Standards Branch's staff facing content and ensure it clearly articulates their role, purpose and function. Explore avenues to provide an anonymous reporting option for staff. Clearly communicate in a variety of methods the expected standards of conduct between colleagues, provide a clear vision of what professional behaviour is.	Ongoing. Policy harmonisation across the Department of Communities and Justice is ongoing, including new policies addressing bullying and harassment, issues management and code of conduct and ethics. Roll out of these policies will include training modules to support understanding and implementation. Complete. This action is further supported by the introduction of Professional Development Plans for all CSNSW staff. Complete. Updated materials are under consideration by the recently appointed Professional Standards Branch Director and will be published pending review. Complete. At this point in time an anonymous reporting mechanism has not been implemented. Staff continue to use existing channels. Ongoing. Further to these actions the move to manage all Performance Development Plans online is supporting regular conversations in the workplace and between managers and staff about performance, appropriate conduct and further development. It is also mandatory for all staff to complete the Doing the Right Thing - Workplace Ethics online course every two years.	In April 2021, the new Department of Communities and Justice (DCJ) Code of Ethical Conduct was released and all staff were required to complete a training module to reinforce appropriate workplace behaviours. In February 2021, DCJ launched a new workplace issues management tool to support staff to have difficult conversations in a productive way. Additionally, CSNSW piloted a staff support unit within the Professional Standards Branch to help provide general advice and support staff work through the misconduct process. The initial pilot period was for six months and has been extended for a further six months. In July 2021, CSNSW launched a range of resources aimed at building positive workplaces and where needed positively influencing the culture of the workplace.
13	That CSNSW monitors the treatment of those officers who have assisted the Commission in this investigation.	Implement the recommendation as described in the report	Accepted	Appoint a senior independent delegate who staff can contact as required. Assistant Commissioner, Custodial Corrections to discreetly monitor the treatment of those officers who assisted the Commission via open dialogue with relevant Governors.	Complete. Support will continue to be provided to staff as needed.	Complete
14	That CSNSW takes sustained measures to prevent the practice of "therapy", "cell therapy" or like practices being applied to inmates.	Implement the recommendation as described in the report	Accepted - Ongoing	Review options to directly address the practice of 'cell therapy' in officer training. Take a layered approach to addressing the practice of 'cell therapy' or like practices being applied to inmates. Actively communicate to staff the appropriate conduct with regards to the searching of inmate cells. Investigate options to provide discrete access to key incident information for CSNSW investigators.	Complete. Ongoing reinforcement continues through training and the promotion of ethical conduct in the reiteration of appropriate behaviour. This is an ongoing process.	No further updates at this time.
15	That CSNSW investigators have ready access to (i) relevant CSNSW documents, such as UOF packages, and (ii) other evidence, such as CCTV footage, in a manner that does not in any way depend on, or alert, other CSNSW staff.	Implement the recommendation as described in the report	Accepted in principle	Complete.	The interim digital storage solution for the UOF Review Committee has improved independent access for CSNSW investigators. Independent access will be further enhanced as CSNSW moves to the long term digital storage solution. A comprehensive solution to support the discreet access to evidence for the investigations branch remains an ongoing challenge and is subject to funding.	The long-term solution to allow CSNSW investigators discreet access to video footage and relevant documents is progressing. The solution is complex, technical and costly.

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16	That CSNSW reviews its procedures for the initiation and escalation of investigations. Among other things, this review should address the need for independence and objectivity.	Implement the intent of the recommendation in an alternative way	Accepted	A clear escalation point now exists for CSNSW Investigations Branch.	Complete. The reinvestigation of the Professional Standards Committee as a result of the UOF Review clearly aligns with Recommendation 16. This forum provides a clear escalation point for investigations as outlined in the recommendation.	Complete
17	That CSNSW reviews its investigation function to ensure that it: • is staffed in a manner that enables it to meet timeframe key performance indicators without compromising investigation quality • has access to appropriate technical resources, including a case management system that sufficiently caters for its needs.	Implement the recommendation as described in the report	Accepted in principle	CSNSW to investigate options for a Case Management System that sufficiently caters for the investigative requirements of the agency.	Complete Procurement of a case management system is under consideration by DCJ. A review of CSNSW Investigations Branch has resulted in a decision to restructure resources to support timeliness and a more proactive approach to investigations.	The CSNSW Investigations Branch (IB) resourcing was reviewed and restructured to ensure work loads are better aligned.
18	That CSNSW prioritises the completion of its investigation manual.	Implement the recommendation as described in the report	Accepted	Complete the CSNSW Investigation Manual.	Complete The manual has been completed and undergoing revision due to process changes caused by COVID-19.	The Investigations Branch manual is complete.
19	That staff responsible for CSNSW's project regarding systemic issues identified in this investigation consider and action the following issues: • whether any of the conduct identified in the Commission's investigation occurs at other correctional centres • the evidence and findings made by anti-corruption agencies in Queensland and Western Australia • how data analysis of its information holdings can facilitate the identification of misconduct by correctional officers and issues that may be systemic within the corrections sector in NSW.	Implement the recommendation as described in the report	Accepted	The findings of the Western Australian and Queensland reports have been considered by the Committee and where relevant learnings incorporated.	Complete. CSNSW continues to use a range of data and information to review and monitor operations, identify trends and take action as required.	Further, CSNSW regularly meets with leaders from other Australian jurisdictions to discuss key issues and share knowledge.