

Questions taken on notice

Q 1 Staff suspensions

Portfolio:	Corrections
Witness:	Ms Larissa Strong
Committee member:	Mr Danny O'Brien
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Relevant text:

Mr D O'BRIEN: Yes, okay. And do you have the data on how many cases of prison officers smuggling drugs or contraband, using excessive force or having inappropriate relations with inmates have occurred in the past 12 months?

Ms STRONG: I do not have that particular data. I can say for year to date for June 2020 we had 17 prison staff that were suspended while we were doing investigations and three prison staff were terminated. Obviously the suspensions are still going through a process, so we do not yet know the outcome of that process.

Mr D O'BRIEN: Are the three terminated the same as the three dismissed that you referred to earlier?

Ms STRONG: No, they will be different.

Mr D O'BRIEN: They will be different, so that is in the last 12 months—the 17?

Ms STRONG: That is this financial year up to—

Mr D O'BRIEN: Are you able to tell me what those suspensions relate to without going into personal details?

Ms STRONG: No. I would have to take that on notice.

Answer:

In the Hearing, Ms Strong referenced 17 cases where staff were suspended and the investigation was closed during 2019-20. This figure did not include cases where staff were suspended and the investigation was ongoing. The following data is full-year data for the financial year 2020-21.

During 2020-21, a total of 59 Corrections Officers were suspended while their conduct was investigated. Of these:

- 31 officers remain on suspension while their investigation is completed (as of 30 June 2021), of which:
 - 14 relate to allegations of sexual harassment
 - 11 relate to allegations of disrespectful behaviour

- 2 relate to allegations of excessive use of force
- 2 relate to allegations of introducing contraband
- 1 relates to an allegation of not maintaining professional boundaries
- 1 relates to an allegation of committing a criminal offence
- 13 officers resigned before the investigation was finished
- 7 officers were terminated due to misconduct:
 - 3 relate to sexual harassment
 - 1 relates to failing to follow a direction
 - 1 relates to excessive use of force
 - 1 relates to not maintaining professional boundaries
 - 1 relates to theft or fraud.
- 4 officers returned to their duties following substantiated findings of misconduct
- 4 matters were unsubstantiated as misconduct

Q 2 – Privacy breaches – Operation Caparra

Portfolio:	Corrections
Witness:	Ms Larissa Strong
Committee member:	Mr James Newbury
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Relevant text:

Mr NEWBURY: Thank you. Can I just ask a couple of quick questions in follow-up to Mr O'Brien and the report referred to earlier. Operation Caparra found that a former Corrections Victoria employee inappropriately accessed data on behalf of 15 individuals, including known criminals. Minister, what data was taken and have those affected by the breach being informed?

Ms HUTCHINS: Sorry, I did not hear that last bit.

Mr NEWBURY: What was taken, what data was accessed, and have the affected individuals been informed?

Ms HUTCHINS: I might ask the Commissioner to go into the detail.

Ms STRONG: I will have to get back to you in terms of the individuals whose data was accessed and what action was taken, but we would have had a privacy impact process that we would have followed as part of that.

Mr NEWBURY: Thank you. If you do not mind taking notice, that would be terrific.

Answer:

The former employee accessed 8 separate prisoner profiles on Prisoner Information Management System between October 2016 and February 2018.

There was no evidence of the data being used or disseminated outside of the justice environment (Corrections Victoria).

As the Department had referred the matter to IBAC and was an active investigation, the prisoners were not notified.

Q 3 – Emergency Management Days

Portfolio:	Corrections
Witness:	Ms Larissa Strong
Committee member:	Mr James Newbury
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Relevant text:

Mr NEWBURY: Thank you, Labor Chair. Commissioner, can I take you to budget paper 3, page 292. Would you mind providing an update on the total number of emergency management days that are provided to inmates relating to COVID restrictions?

Ms STRONG: I think we provided the committee with that information in January. I propose that we wait until end June, and I can give you the financial year data. It takes a couple of weeks post 30 June to process and grant them, so I will give you the data up to end June on notice.

Mr NEWBURY: Do you have anything with you now?

Ms STRONG: Only what we would have provided you I think back in January.

Mr NEWBURY: Okay. Is there a cap on the number of days that can be provided to prisoners?

Ms STRONG: No. The policy is a one for one for every day of significant disruption or deprivation or one day of EMD, subject to good behaviour.

Mr NEWBURY: Would you have any idea of the largest number of days any single prisoner has been awarded?

Ms STRONG: Not off the top of my head, no.

Mr NEWBURY: In terms of the data that you are going to provide, questions on notice are due within 10 days of the hearing, so if you actually are able to capture what you have at the moment—

Ms STRONG: I would just have to check that delay between the granting of that.

Mr NEWBURY: No, I completely understand—whatever date you have. But can I ask—I am interested in a total number of days—what is, without obviously going into specifics, the largest number of days, perhaps, that have been awarded to any single prisoner, so just the maximum number.

Ms FALKINGHAM: Mr Newbury, consistent with previous practice we do not provide numbers in relation to individual prisoners. We will provide the total number.

Mr NEWBURY: De-identified.

Ms FALKINGHAM: We do not provide that because it is identifiable through the data we provide.

Mr NEWBURY: Okay. What are you able to provide?

Ms FALKINGHAM: The data we provide every six months in relation to the total number for the quarter it applies to, so consistent with the past practice of what we provide to PAEC.

Answer:

Under the *Corrections Act 1986*, Emergency Management Days (EMDs) may be granted for prisoners who demonstrate good behaviour while suffering disruption or deprivation during an industrial dispute, emergency or other circumstances of a special or unforeseen nature.

As part of the COVID-19 response in prisons, prisoners have experienced restrictive regimes, such as significantly less hours out-of-cell to support physical distancing or lockdowns, or being placed in a quarantine regime, such as 14 days in protective quarantine upon reception into prison. In many instances, quarantine regimes result in prisoners being held in their cells for 23-24 hours per day.

As at 30 June 2021, 165,582 days have been granted to 5,285 sentenced prisoners (average of 31 days).

An additional 299,374 (approximately 64 per cent of EMDs) have been applied to prisoners on remand and may never be realised. For remandees, any EMDs granted are applied to a sentence of imprisonment, if one eventuates.

Q4 – Prisoner projections

Portfolio:	Corrections
Witness:	Ms Natalie Hutchins
Committee member:	Mr Sam Hibbins
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Relevant text:

Mr HIBBINS: Thanks, Chair. Thank you, Minister and your team, for appearing this afternoon. I want to ask some questions about prison utilisation rates, and you can take these on notice if you do not have the information on hand. Currently there are lower prison utilisation rates as a result of the pandemic. Now, my understanding is projections prior to the pandemic were that there would be over 9000 male prisoners in 2021 and 10 000 in 2023. Are there now revised projections for male and female prison numbers over the next four years, and if so, can they be provided to the committee?

Ms HUTCHINS: They have not actually been released as yet; they are still being put together. But we are happy to take it on notice and provide them.

Answer:

The department undertakes a range of responsive modelling and forecasting activities to predict demand in the criminal justice system, including the number of people anticipated to be in prison custody under certain scenarios and assumptions to inform government.

As such, multiple projections may be produced over a period of time reflecting those different scenarios and assumptions.

Q 5 – Prison operating costs

Portfolio:	Corrections
Witness:	Ms Natalie Hutchins
Committee member:	Mr Sam Hibbins
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Relevant text:

Mr HIBBINS: And is there also a revised output cost of actually running the prison system with those updated projections?

Ms FALKINGHAM: If you could just explain to me a little bit more about what you mean by 'revised'. Obviously the cost for the prisons overall does not change. Our rosters are maintained.

Mr HIBBINS: Oh, yes, because the cost is fixed. That is correct, isn't it, regardless of how many prisoners you have got? Is that the case?

Ms FALKINGHAM: It depends what prison we are speaking about in terms of what costs are fixed and which ones are adjustable. Obviously the commissioner can speak to it. Obviously we have to move prisoners according to what the safety needs are, what the requirements of those prisoners are and what the workforce looks like.

Mr HIBBINS: Okay. So, for example, if you have got revised projections for actual prison capacity, in terms of the actual cost of running the system, is that included in that data or is that something that is different?

Ms FALKINGHAM: That is something different again, Mr Hibbins.

Mr HIBBINS: Okay. Is that information able to be provided to the committee?

Ms FALKINGHAM: We can provide it on notice.

Answer:

Revisions of output cost estimates are primarily driven by published budget decisions. The decline in prisoner numbers since the onset of the pandemic does not translate to reduced operating costs considering the majority of the costs in the prison system are staff related which are fixed in nature.

It is also important to note that over 2020-21 the prison system has incurred significant costs due to the impact of COVID-19 and this will continue in 2021-22 and beyond, which more than offsets any savings in variable costs due to reduced prisoner numbers. These costs include:

- Establishment of protective quarantine at front-end prisons, quarantine and isolation units at all other prisons and reducing the number of prisoners occupying shared cellular accommodation to improve physical distancing and reduce COVID-19 transmission risk.

This has resulted in very few units closing down and the prison system maintaining the same staffing levels required as before the pandemic, plus additional staff to respond to changed operational environment.

- Increased costs due to the use of overtime to backfill staff, arising from COVID-19 restrictions in the community significantly impacting staff availability.

Q 6 – Service Delivery Outcomes – prisons

Portfolio:	Corrections
Witness:	Ms Natalie Hutchins / Ms Rebecca Falkingham
Committee member:	Mr Sam Hibbins
Page of transcript:	10

Relevant text:

Mr HIBBINS: Okay, thank you. Just finally, I think at the last estimates you provided the breakdown in terms of the service delivery outcomes across all prisons. Are you able to provide that latest information to the committee?

Ms HUTCHINS: Yes. We are certainly able to take that on notice and provide that to you.

Mr HIBBINS: Okay, thank you. And would it be possible for that information to be actually proactively made available through the annual report?

Ms FALKINGHAM: Mr Hibbins, we are always looking for more ways we can be as transparent as possible, so let me take that on notice and we will look at that issue.

Answer:

Consolidated end of 2020-21 financial year outcomes from across the prison system will be available and validated by early August 2021. In the interim, provisional results applying to 31 May 2021 are provided.

The department will provide prison service delivery outcomes in the departmental annual report.

Note, certain prisons have different service delivery outcome measurements due to different cohorts and roles within the system. For example, certain measures may only be relevant for contractual obligations for private prisons, others may only apply to prisons that receive remandees or those that receive prisoners directly from Victoria Police. In respect to the Private Prisons there is a further suite of Key Performance Indicators.

Service delivery outcomes to 31 May 2021 as follows:

Current SDO and reference number		Prisons where measure applicable 2020-21
1	Escapes	All
2	Assault on staff or other persons [not prisoners]	All
3	Out of cell hours	All
4	Number of unnatural deaths	All
5	Self-harm	All
6	Assault on prisoners by other prisoners	All
7	Assault on prisoners by staff	All

Current SDO and reference number		Prisons where measure applicable 2020-21
8	Random general urinalysis	All
9	Medical screening within 24 hours	All
10	'At-risk' assessments within 2 hours	All
14	Proportion of prisoners engaged in purposeful activity	All except MAP, MRC
15	Vocational education and training participation	All except MAP, JLTC
16	Education and training unit of competency completions	All except JLTC
17	Prisoner-related harm reduction	DPFC, MAP, MRC, PPP, RCC.
18A	Offending behaviour programs scheduled	FCC, RCC, PPP
18B	Offending behaviour programs completed	All except MAP, MRC, JLTC
20A	Pre-release program and assistance [sentenced prisoners]	All
20B	Court discharge information session [remandees]	Barwon, DPFC, MAP, MRC, Hopkins, Marngoneet, Karreenga, FCC, RCC, PPP
22	Prison industries	All except FCC, MAP, RCC, PPP, JLTC
23	Case management	All
24	OH&S/WorkCover	All except FCC, RCC, PPP
25	Disability training	PPP

Prison	Number of applicable SDOs, 2020-21	Reference numbers of SDOs <i>not</i> measured at location	Aggregate performance of prison, 2020-21: % of SDO benchmarks passed to 31/5/21
Barwon	19	17, 18A, 25	73.7
DPFC	20	18A, 25	78.9
MAP	16	14, 15, 18A, 18B, 22, 25	80.0
MRC	18	14, 18A, 18B, 25	70.6
PPP	20	22, 24	78.9
Hopkins	19	17, 18A, 25	83.3
Fulham	18	17, 22, 24, 25	94.4
Loddon	18	17, 18A, 20B, 25	88.2
Marngoneet	19	17, 18A, 25	77.8
Karreenga	19	17, 18A, 25	94.4
Ravenhall	19	22, 24, 25	78.9
Middleton	18	17, 18A, 20B, 25	82.4
Beechworth	18	17, 18A, 20B, 25	94.1
Dhurringile	18	17, 18A, 20B, 25	94.1
LKK	18	17, 18A, 20B, 25	93.8

Tarregower	18	17, 18A, 20B, 25	100.0
JLTC	14	15, 16, 17, 18A, 18B, 20B, 22, 25	100.0
TOTAL	309		82.2