Investigation into the Handling, Storage and Transfer of Prisoner Property in Victorian Prisons

December 2005
INVESTIGATION INTO THE HANDLING, STORAGE AND TRANSFER OF PRISONER PROPERTY IN VICTORIAN PRISONS

Report of Ombudsman Victoria

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1. Executive summary

As Ombudsman, I conducted this own motion investigation into the handling, storing and transferring of prisoner property in recognition of the significant number of complaints I receive from prisoners about loss and damage of property. Complaints about prisoner property are currently the largest single source of complaints to my office.

Grievances about prisoner property contribute to poor prisoner morale and management problems for staff. There are also cost implications for the prison system in investigating prisoner complaints, interviewing staff members involved and replacing damaged and lost property. The aim of my investigation was to provide recommendations that would lead to improving the management of prisoner property in all Victorian prisons.

My investigators visited and observed property handling and storage at all 12 public and private Victorian prisons. Over 100 interviews were conducted of staff and prisoners. Policies and standard operating procedures were reviewed and property systems were inspected. My officers also examined procedures at an interstate prison.

My investigation found the computer system at the heart of the property management system is not used effectively or efficiently. To be effective, a database relies on accurate data. One of the main failings of the present system is that property data is not accurately recorded. The lack of training and support for staff using the database has also led to less than optimal use of the computer system. While the database is fully operational and networked across the public prisons, private prisons do not have direct access to the network. This leads to problems with the transfer of property information when a prisoner transfers between private and public prisons.

I am concerned that the current storage systems for valuables across the prisons are inadequate. These include the use of filing cabinets as safes in accessible rooms. I am also concerned about the poor quality containers and storage bags used for property.

Currently Victorian prisoners are not provided with a list of their property on entry to prison. This represents poor administrative practice and is a source of complaints from prisoners.

My investigation revealed systemic problems in all facets of handling, storing and transferring of prisoner property. I have made the following recommendations to address the inadequacies in the current administration of prisoner property across the prisons:
• All Victorian prisons should have access to a fully integrated computer program to enable property to be effectively and efficiently managed.

• Consistent policies on cell clearances, cell searches, property compensation, property storage, transport, and property handling should be developed and promulgated for all prisons.

• Ensure that property officers directly enter and accurately record property data on to a computer database program.

• All property officers should receive appropriate training in the new E*Justice system.

• A storage limit for property should be established and managed by Corrections Victoria.

• Property lists should be provided to prisoners on entry to a prison.

• Introduce sealed and individually identifiable plastic property tubs.

• Ensure that uniform storage systems are developed for valuables across all Victorian prisons.

The Department of Justice (DOJ) has accepted my recommendations. DOJ responded that the roll-out of the department’s E*Justice Property Module in October 2005 will address many of the issues in regard to access to a common database for public and private prisons and prisoner property data. Policies and procedures will be reviewed in the course of the roll-out. The private providers have also responded positively to my report.

I will request a report by DOJ by July 2006 on the implementation of my recommendations.
2. Introduction

2.1 Background

Victoria has 3692 prisoners in 12 prisons. There are 10 public prisons and two privately operated prisons with approximately 3437 males and 255 females currently in these prisons. Notably, 11 out of 12 prisons have more prisoners than they were designed to accommodate (See Table 1). Complaints about prisoner property are the largest source of complaints in my jurisdiction. Property storage issues are exacerbated where a prison has excess prisoners.

The two private prisons, Fulham Correctional Centre and Port Phillip Prison, hold about half of the prisoners and considerably more property than the other prisons. Fulham Correctional Centre is managed by GEO Group Australia Pty Ltd. GSL Australia Pty Ltd manages Port Phillip Prison and their subsidiary GSL Custodial Services Pty Ltd (GSL Custodial) currently transports all prisoners and property between prisons, police cells and courts.

Typically a prisoner arrives at a prison with a variety of personal belongings. Prisoners may take some items with them to their cells. Those items not required or allowed in cells are placed in storage. Prisoners also accumulate items in prison, which are placed in storage. These items are transferred with prisoners when they move to another prison.

All prisons have property officers who are responsible for recording and tracking property items. The majority of property officers are civilians, not prison officers in direct charge of prisoners. The roles, training and capabilities of property officers vary within the Victorian prison system. Property officers are not required to complete any accredited qualification or training.

In August 2003, Corrections Victoria introduced a computer database package called Safeguard, to record and track prisoner property. Previously, property officers recorded property information manually. I understand DOJ expected the new computer database would manage prisoner property more effectively and resolve many of the previous administrative problems. However, property complaints to my office increased despite the introduction of the program.

There are over 130,000 property items at any one time in the Victorian prison system. While the database is fully operational across the public prisons, Corrections Victoria supplied the program to the private prisons without providing access to the fully networked system. This means private prisons cannot transfer details of property via the public network.
2.2 Complaints

My investigation was initiated as a result of a considerable increase in the number of complaints to my office from prisoners regarding their property. Out of 807 complaints from prisoners in 2003-2004, 123 complaints were about damage and loss of property. This was a significant increase from previous years where the numbers ranged from 69 to 78 property complaints per year.

In my 2004 annual report missing property was identified as a major source of complaints from prisoners. From the numerous investigations of property complaints, it was apparent that there were many inadequacies in the recording, storage and transferring of property.

Property complaints from prisoners include:

- losses during transfer between prisons
- loss of items in storage
- lack of access to stored property
- denial of the right to have access to religious or cultural items of significance
- missing valuables
- staff allegedly misappropriating items
- damage during long term storage
- loss of property after a cell clearance.

2.3 Investigation

My investigators reviewed property complaints to my office; all current operating procedures relating to property; and the Safeguard user manual. They interviewed the Information Technology Manager of Corrections Victoria and staff on the helpdesk for the Safeguard program.

All 12 Victorian prisons were visited during March and April 2005 and a prisoner property survey conducted. Over 60 staff and 50 prisoners were consulted. Property officers, unit supervisors, management representatives and a number of prisoners at each location provided information about the practices for receiving, storing and forwarding property.

At each prison my investigators physically inspected property storage and valuables facilities, including arrival, storage and transfer processes. They
also inspected the vehicles used to transport prisoners with their property and interviewed the operations manager from GSL Custodial.

My investigators also visited and inspected a NSW prison, Silverwater Correctional Centre. They examined the property procedures and inspected the property storage areas. My investigators noted marked differences in the management and co-ordination of prisoner property in comparison to Victorian prisons.

3. Preliminary conclusions

3.1 Handling prisoner property

3.11 On entry to prison

As new prisoners arrive at public prisons, the property officer enters details of the prisoner’s property directly onto the computer program and the prison officer checks the property for security purposes. This process occurs whenever a prisoner enters or transfers to another prison.

I note that as new prisoners arrive at private prisons, details are recorded manually and not entered directly onto Safeguard. Property officers advised my investigators that delays of one of two days may occur. Fulham Correctional Centre (FCC) responded that it now records details of new prisoner arrivals directly onto Safeguard.

At times, property details are not recorded accurately. This presents a range of problems for the effective administration of prisoner property including difficulties in determining the amount of compensation in the event of damage or loss of property. My investigators observed property officers failing to record brand names, colours of items, or their condition in adequate detail.

Prisoners also raised the need for property items to be recorded in greater detail. They advised that the recording process is often rushed because of a lack of resources, particularly at larger prisons and those with a high turnover of prisoners, such as Port Phillip Prison. Prisoners commented they felt helpless and vulnerable during this process. Prisoners feared complaining about inaccurate recordings alleging that prison officers would threaten to send them to a management unit, an isolated cell for prisoners with behavioural issues.

If a property item is unusual or appears to be valuable, it should be digitally photographed. This would provide a visual record of the item if it were to go missing. FCC supports this view.

It also came to my attention that at times prison officers record property details in the absence of a property officer. This is concerning because of the possibility
of inconsistencies in the recording process where staff lack specific training and standard recording guidelines are not followed.

When prisoners arrive after 4:00pm the property officer is usually absent. In some prisons, the practice is to place the prisoner’s property in an office overnight before it is checked the following morning. Ideally, the property would be checked on arrival by the property officer or at a minimum, properly secured to prevent allegations of theft.

I am also concerned that prisoners do not receive a receipt or list of their property on arrival. This is an issue for many prisoners and a source of complaints to my office. Prisoners are rightly concerned that without documentation, they are unable to prove ownership. This becomes particularly apparent with allegations of missing property, where there is no paper trail to aid an investigation.

At Tarrengower Prison and FCC, if a prisoner requests access to their property, a list is provided. In my view property lists should be provided to prisoners as a matter of course.

Victorian prison staff advised my investigators that property lists might lead to stand-over activity, as demands will be made for an individual’s property. However, I consider that prisoners are entitled to be provided with a computer generated property list that fully details their property. This practice would provide a property record for prisoners on transfer to another prison.

3.12 Property sent in

All property that arrives at a prison is inspected for security purposes. If a particular item cannot be issued to a prisoner, it is placed in the prisoner’s storage box. A “do not issue” notation is placed on the database. Usually prisoners will not be able to access such items until their release date. However, my investigators found after transfer, prisoners at some prisons are able to access these items. This is concerning, particularly because of the lack of consistency.

Prisoners also requested that they be informed of the arrival of property sent or delivered to them in prison.

I also note that FCC provides prisoners with a copy of the receipt of property sent in or delivered to them.

There are inconsistencies in policies concerning receipt of mail. Generally, a prisoner will not be given mailed property where a sender’s details are not supplied or, where supplied, they are not listed on the prisoner’s mailing list. However, at FCC and Langi Kal Kal Prison, a prisoner can access property mailed without sender details.
3.13 Property sent out

Sending property out of a prison requires approval either through a request to the Governor or via the property office. Property due to be sent out, or picked up, may be stored in a variety of places including open pigeonholes. It was identified that unclaimed property may remain at a reception area for three to four weeks.

One prisoner complained about the misplacement of her property at the Dame Phyllis Frost Centre. The prisoner had not been issued with a receipt for the property. A family member was told that the prisoner’s property could not be located when they tried to collect it at the gatehouse. The property was found some time later in the wrong locker.

3.14 Training issues

Property officers in Victorian prisons are not required to complete any nationally recognised accredited training. The Certificate II in Justice Services is an appropriate qualification for a person working in a reception area of a correctional facility. There is a possibility to develop a customised qualification to ensure appropriate competencies for property officers are included in this qualification. I consider a minimum qualification for property officers is required.

Property officers were initially trained to use Safeguard in 2003 but further training has not been provided. While Corrections Victoria operates a telephone help line, which assists property officers in using the computer system, my investigators found records of the nature of the telephone calls were not maintained. The recording of identified problems with the property computer system would enable the identification of common issues and training needs.

DOJ has advised that prison officers will receive appropriate training in the new E*Justice property system. FCC strongly endorsed a recognised accredited qualification for property officers.

3.15 Cell clearances

A cell is cleared of all property when a prisoner is moved to a management unit, as a result of disciplinary or other action. A cell clearance also occurs when a prisoner is transferred to another prison as a result of an incident.

Clearing the cell involves gathering the prisoner’s property, recording each item on a ‘cell clearance form’, packing each item and transferring the property to the property store. The prisoner is generally not present during this process. Two prison officers usually clear the cell. However, at times, one officer completes the task. Property officers are not involved in cell clearances. My investigators were unable to locate a cell clearance policy or protocol in any Victorian prison.
Many of the prisoner property complaints received by my office relate to cell clearances. Prisoners have alleged that they discover they have lost items on their return from a management unit to a mainstream unit. In many instances the cell clearance form does not include sufficient detail of property items in the cell. Details relating to the date and the names of the officers conducting the cell clearance are often not recorded.

At the Dame Phyllis Frost Centre, my investigators observed three cell clearance forms attached to garbage bags in a locked shed outside the normal storage area. The cell clearance forms on the garbage bags did not identify the property items, date of clearance, or the name of the officers who conducted the cell clearance. My officers were advised that the garbage bags would be moved to the property store at some point in time. I understand that new staff had not been trained in conducting cell clearances and that this type of occurrence was not uncommon.

Prisoners do not usually have the opportunity to check their property following a cell clearance until they are returned to their cell or transfer to a new prison. If property is missing it is not discovered until that point, which may be months after the event.

In one complaint I investigated, a cell clearance was conducted after a prisoner was moved from a mainstream unit to a management unit in Barwon Prison, then to the Melbourne Assessment Prison (MAP), and finally transferred to Port Phillip Prison. The prisoner did not have access to his property during this period. The property arrived at Port Phillip Prison a week after the prisoner. There were items missing.

In this case my office was unable to establish which prison was liable for the property loss due to the poor recording practices at all three locations. I recommended that Barwon Prison, MAP and Port Phillip Prison contribute equally to compensate the prisoner. This subsequently occurred.

I am concerned that there are no operating procedures for cell clearances. Observation of cell clearances, and discussions with unit supervisors at all prison locations, revealed that cell clearance practices and recording systems vary considerably across units and prisons.

At times only one officer conducts a cell clearance, which leaves the officer open to allegations of theft or misconduct, particularly where property items are not described in sufficient detail.

Prison officers rarely compare the computer generated cell property list against the cell items that they are recording and packing. Therefore, any possible discrepancies are not identified.

Each prison has its own format for a cell clearance form detailing the date, time, name of officers conducting the cell clearance and property. It was found that the
accuracy in recording details varied. A standard cell clearance form should be provided in the operating procedures and staff trained to accurately record items. Standard operating procedures should be developed for cell clearances.

New South Wales’ prisons require a prisoner representative to be present at the cell clearance to ensure that all property items are listed and any discrepancies are noted on the cell clearance form. NSW officers reported that the system was effective in reducing complaints. In my view this practice has merit.

As with general property issues, I am concerned about the quality of recording property items and the lack of a consistent approach to the cell clearance process. I believe it is good practice and in the best interests of prisoners that property is recorded in sufficient detail and transferred in sealed tamperproof containers.

3.16 Cell searches

The operating procedures regarding searches and patrols indicate that:

- Wherever possible cell searches should be conducted by at least two officers
- Specific areas of the cell must be searched and the results of the search recorded in the Inspection, Search and Seizure Register.

In discussions with unit supervisors across all prisons, my investigators were advised that on occasions only one officer would conduct a cell search. I believe that two officers should be present at all times as a risk management strategy to reduce the potential for prisoner allegations of theft or missing property arising after a cell search. FCC responded that this is its policy and it is not aware of any breach.

It was also reported that the cell door may be left open after a cell search, thereby creating an opportunity for other prisoners to remove property from the cell. Another strategy would be the presence of the occupant during the cell search, although I recognise this may not always be possible. Prison management at Silverwater Prison stated that this policy worked well and provided procedural fairness to prisoners.

3.2 Storage of property

3.21 Storage area

Corrections Victoria provided statistics on the quantity of property in prisons. The table below illustrates the large volume of property in Victorian prisons, however Port Phillip Prison data is not included. It is concerning to me that Port Phillip Prison was unable to provide property data to Corrections Victoria, as their records were not up to date. In response to this criticism, GSL (Australia) Pty
Ltd has indicated that … ‘property records for prisoners held within Port Phillip Prison will always not be up to date on the networked system until those prisoners transfer into a prison that is part of the fully networked prison’. The individual property records of prisoners are however maintained at Port Phillip Prison.

FCC, which is not fully networked, was able to maintain accurate property data.

GSL (Australia) Pty Ltd stated that it welcomes and will actively participate in the new E*Justice system that will see the full integration of Port Phillip Prison into the central property management system.

<table>
<thead>
<tr>
<th>Location of property</th>
<th>Public prisons (collectively)</th>
<th>Fulham Correctional Centre</th>
</tr>
</thead>
<tbody>
<tr>
<td>Storage</td>
<td>76,750</td>
<td>25,964</td>
</tr>
<tr>
<td>Valuables</td>
<td>9,270</td>
<td>3,554</td>
</tr>
<tr>
<td>Cells</td>
<td>39,574</td>
<td>15,671</td>
</tr>
<tr>
<td>Pending</td>
<td>1,418</td>
<td>4</td>
</tr>
<tr>
<td>Transit</td>
<td>1,107</td>
<td>943</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>127,939</strong></td>
<td><strong>46,136</strong></td>
</tr>
</tbody>
</table>

- **Port Phillip Prison**

During consultations with my investigators, prisoners maintained that Port Phillip Prison was the prison where you are most likely to lose property.

In 2003, my office became aware of a significant number of complaints from prisoners at Port Phillip Prison about the loss of property. Allegations included misappropriation of items, poor management of property storage, insecure storage areas, loss of valuables and significant prisoner morale issues relating to the loss of property.

As a result of a request by my office Corrections Inspectorate reviewed property handling at Port Phillip Prison and in November 2003 recommended seven strategies to address inadequacies. The Corrections Inspectorate reviewed the implementation of the recommendations in July 2004 and identified significant issues had not been addressed. I understand that Port Phillip Prison planned to overcome issues relating to access of prisoner property by erecting a metal barrier around the property storage area. This metal barrier recommended in November 2003 was finally erected in 2005. GSL explained the delay on the basis that the original installation did not meet their standards and had to be removed and re-installed.
Access to property storage areas

My investigators examined property storage areas at all Victorian prisons to assess levels of security and accessibility to property. At a number of locations prison staff and some prisoners had access to property storage areas.

There is a general perception among Victorian prisoners that some prison officers are responsible for the loss of prisoner property. In NSW prisons this issue has been overcome, as prison officers are not involved in the handling and storage of prisoner property. Only property officers handle prisoner property. The GEO Group did not consider that the status of the employee was an issue.

Prisoner representatives expressed a difference of opinion over the issue of whether fellow prisoners should be employed in property storage areas. Some stated that it was generally acceptable for a prisoner to work in the property store ‘if he’s trustworthy’ while others stated it was not acceptable. Prisoners pointed out that responsibility for some property losses lay clearly with prisoners employed in property storage areas.

In my view, it is not acceptable for prisoners to work in property storage areas.

3.22 Property boxes

Boxes for the storage of property are made of cardboard and have an opening on each side to allow for easy handling. These openings present a security risk as small items may be slipped into or out of boxes, especially during prisoner transfers.

Also, property boxes are not always sealed by tape while in storage. This may enable unauthorised access to boxes. The condition of property boxes deteriorates over time. Transport drivers informed my investigators that boxes occasionally fall apart during transport.

In the NSW prison system, plastic tubs are used for the storage and transport of prisoner property. The tubs are securely sealed with a uniquely numbered seal that must be broken in order to access contents.

A computerised property system is used to record details of the last person to open a box and the location where the box was sealed or unsealed.
This procedure is also designed to prevent property staff having to re-check contents at every location, especially if the prisoner is spending a brief period at a particular prison. Corrections Victoria and both private prisons agreed that a more robust and secure container should be used.

3.23 Valuables

On arrival at a prison, prisoners confirm and sign a document listing their valuables, which include their jewellery, wallet, and identification.

Generally, Victorian prisons store prisoner valuables alphabetically in plain paper envelopes or sandwich type plastic bags, in lockable filing cabinet safes. My investigators were advised that these bags provide poor security as they can be tampered with and this can go undetected.

There are tamperproof bags in use in another jurisdiction, which offer greater security due to their sturdy exterior and uniquely numbered security seals that are registered on their database. Examples of the bags are shown below.

The valuable storage system at Barwon Prison was the most effective system examined by my investigators as the potential for unauthorised access to a prisoner’s valuables is minimised. Double-keyed individual safe boxes are located in a secure room. The property store retains one key and the prisoner is issued with the other. Both keys are required to open the safe boxes. Barwon Prison also holds valuables in small reusable plastic bags as illustrated above.
During transfers prisoners claim they do not sight their valuables and ultimately do not see their property again until they are released. I am concerned that my investigators found valuables in 11 out of 12 prisons were not appropriately stored.

3.24 Prisoner access to property

Permission to access property by prisoners is managed in various ways. It includes requirements to complete a Governor’s request, place their name on a list, or seek permission from a unit officer. At some locations it is the property officer who grants authorisation. At some facilities each unit has a specified day when prisoners are entitled to approach the property store and request to see their property.

Prisoners are generally not permitted to personally view property in their storage boxes. They are provided with a list of property. The exceptions are Ararat and Dame Phyllis Frost Centre where prisoners may gain access under supervision.

Accessing property at Barwon prison takes a minimum of one week while at the Dame Phyllis Frost Centre prisoners complained that it takes up to three weeks after a request has been made to access property.

I am concerned that prisoners may only discover their property is missing some months after arriving at prison when they are finally provided with a list.

A system observed at Silverwater Correctional Centre enabled prisoners to check their property in their cells. The property officer used a trolley to load and transport the prisoner’s box to their cell. The prisoner was able to inspect their property under the supervision of the property officer and reseal the box at the end of the inspection. This system has merit.

3.25 Excess property

Property storage rules also differ between prisons. Prisons store between one to three boxes of prisoner property. For example maximum-security facilities Port Phillip Prison and Barwon Prison limits are three and one box respectively.

At a number of facilities prisoners argued that long term prisoners should be allowed additional property in storage. Prisoners also indicated to my officers that they believed that in practice some prisons allowed prisoners with lengthy sentences to have extra property in storage. My investigators raised this issue with property staff who were generally uncertain whether there was a policy in place.

If the amount of property builds up, the property officer may send a request for the prisoner to send out excess property. All prisons allow 14 days for the prisoner to send out excess items, except for FCC which allows 21 days. Prisoners claim
that it often takes several days for a notice to arrive requesting they dispose of their excess property. Weekends, rostered days off for property officers and busy transfer times may further delay the notice. Therefore it can be difficult for the prisoner to make arrangements to examine and send out property within the 14-day timeframe.

NSW prisons do not encourage prisoners to keep property in storage. However, they do hold valuables. In NSW my investigators observed that prisoners did not have boxes in storage. Prisoners were required to send out items not permitted in their cells, apart from their court clothes. This meant that prisoners had less property on arrival and were not able to accumulate property in their cell or in the storage area. This seems to be an effective way to manage property and limit liability for missing property by reducing the amount held in the prison.

I consider that this aspect of prisoner property should be reviewed in order to limit the number of boxes held per prisoner.

3.3 Transport of prisoners and property

3.3.1 Checking on property

Generally prisoners are given the opportunity to check the contents of their property boxes before they transfer to another prison. However a significant number of prisoners allege that often they are not permitted to check their property. Prisoners also advised they were sometimes pressured to sign their property sheet as ‘correct on transfer’ without viewing the property. Prisoners allege the prison then denies responsibility for the loss of property.

As property officers at the private prisons do not have the capacity to transfer details via the public prison intranet they are obliged to send property details via encrypted email. The receiving location is then required to save the attachment and transfer it into the Safeguard database. I consider that this is a clumsy process.

My investigators also noted a lack of consistent policies on the transfer of property.

3.3.2 Late property

My investigators were advised on transfer to another prison, cell and stored property may arrive well after the prisoner. Delays can range from several weeks to a month or more. This is often due to the three-box limit per prisoner imposed by the transporters GSL Custodial.
3.33 Loss and damage of property during transfer

I receive numerous complaints from prisoners on the loss of property during prison transfers.

GSL Custodial has a policy on transporting prisoners. However, my investigators were advised by GSL Custodial drivers that they are not aware of existing written guidelines regarding the handling of prisoner property.

Currently transport drivers do not record details of the number of boxes transported. While my investigators discovered drivers are required to count and record the number of boxes, this was not being observed. Also, transport drivers do not keep records of valuables they carry.

During transfer property boxes are often in disrepair or not sealed and this can provide prisoners and others with the opportunity to remove items from boxes. This risk is compounded when prisoners are used to load and unload boxes.

Currently some vehicles use whatever space is available for box storage resulting in damage to boxes. Prisoner valuables are often stored in a large plastic bag and placed in the front seat between the two drivers.

3.4 Property compensation

Prisoners in both the public and private prisons are required to sign a property indemnity form on arrival at prison. The purpose of the form is to limit any claims for missing property to a maximum of $250.

There are three different property indemnity forms in existence; the Corrections Victoria form (for the 10 public prisons), the Port Phillip Prison form and the FCC form.

In discussions with prison management at the 10 public prisons, it was apparent that there were many different interpretations and applications of policies. At Port Phillip Prison, prisoners may claim up to $250 per claim and multiple claims from prisoners may be accepted. At FCC prisoners may claim up to $250 for the entire time they reside at the prison, however each claim is assessed on an individual basis. On occasions the GEO Group Australia has accepted liability and paid the full cost of replacing missing items above the $250 amount.

Indemnity forms are not legally binding. Prison management was generally aware that prisons remain liable for the actual value of missing property and prisoners retain the right to sue the prison for any loss of personal property. While I am not aware of any Victorian case law regarding this matter, I am aware that prisoners
in other states have successfully sued for the actual value of missing property and not the maximum amount noted on the indemnity form.

Prison management across the public prisons were unclear why prisoners transferred between public prisons were required to sign a second indemnity form. This process would appear to create an unnecessary administrative task for staff.

Further, the process of requiring prisoners to sign the form is questionable. Prisoners are not in a position to object or obtain advice. Anecdotally, prisoners are pressured to sign every form on admission to the prison and the indemnity form is no exception.

Consequences vary across prisons for prisoners who refuse to sign the indemnity form. A refusal to sign the form may or may not be noted by prison officers and it is unclear whether a property compensation claim would be treated adversely. In some cases cell property has not been issued to the prisoner. I consider it inappropriate to deprive a prisoner of personal property for failing to sign a document.

I note FCC has indicated that while the indemnity forms are not legally binding there should be some disclaimer preventing prisoners from making ‘outrageous claims’ for missing property.

In a recent case investigated by my office a prisoner claimed he lost $50 in a trip from Shepparton Police Station to the Melbourne Custody Centre (MCC). He claimed he had $450 cash sealed in a clear plastic bag. On arrival at the MCC an officer noted that the bag had been tampered with and reported $50 missing. The private transport provider, GSL Custodial, is responsible for property lost in transit.

GSL Custodial advised that the transport officer (no longer employed on the contract) was interviewed and a video of the Shepparton Police cells was viewed. On our recommendation GSL Custodial accepted liability for the missing property and reimbursed the prisoner.

I consider that indemnity forms should be abolished as they have no legal standing.
4. **Recommendations and strategies**

1. **All Victorian prisons should have access to a fully integrated computer program to enable property to be effectively and efficiently managed.**

   **Strategies**
   - Train and support staff
   - Provide effective helpdesk facility
   - Record, analyse and act on helpdesk data
   - Ensure private prisons use the email system to transfer property data until a fully networked system is provided.

2. **Consistent policies on cell clearances, cell searches, property compensation, property storage, transport and property handling should be developed and promulgated for all prisons.**

   **Strategies**
   
   **Cell clearances**
   - Maintain a cell clearance logbook
   - Ensure two officers are present at cell clearances
   - Use a property list to identify cell property items
   - Ensure a prisoner representative observes cell clearance process if only one prison officer is available.

   **Cell searches**
   - Ensure at least two officers conduct cell searches, and not wherever possible as indicated by the current operating procedures
   - Ensure that cells are locked after each cell search is completed or when the prisoner is absent
   - Where possible have the prisoner present during the cell search process
   - Videotape cell searches for high-risk prisoners.

   **Property compensation**
   - Eliminate indemnity forms and review the limit of $250
   - Encourage prisoners to send out expensive or valuable property items.

   **Property storage**
   - Ensure that all property storage areas are secure and cannot be accessed by unauthorised persons.
• Ensure property boxes are transported to cells by escorted property officers using trolleys when an inspection is approved
• Ensure prisoners are not employed in property stores
• Introduce a uniform storage practice on the number of boxes that may be stored per prisoner, with a view to limiting the number held per prisoner.

Transport
• Ensure prisoners confirm in writing receipt of their valuables on transfer
• Encourage prisoners to reduce property prior to transfer.

Property sent in and out
• Develop guidelines
• Inform prisoners of the arrival of property
• Ensure outgoing property is stored appropriately.

3. Ensure that property officers directly enter and accurately record property data on to the computer database program.

Strategies
• Develop and implement guidelines to ensure accurate identification of property including brand names and condition of item
• Ensure data entry only by property officers
• Ensure data entry is directly on to the computer database
• Digitally photograph unusual or valuable items.

4. All property officers should undergo training in the new E*Justice system.

5. Storage limit for property should be established and managed by Corrections Victoria.

Strategies
• Develop policy regarding allowable quantities of property
• Consider the particular needs of long-term prisoners
• Monitor property accumulation.

6. Property lists should be provided to prisoners on entry to a prison.

Strategy
• Provide prisoners with an opportunity to confirm items adequately described.
7. **Introduce sealed and individually identifiable plastic property tubs.**

   **Strategy**
   - Replace cardboard boxes with a model similar to NSW Corrections.

8. **Ensure that a uniform storage system for valuables is implemented across the prisons.**

   **Strategy**
   - Replace current ‘valuables’ storage bags with secure tamperproof bags.

9. **Drivers are to account for property they transfer.**

   **Strategies:**
   - Document and audit number of boxes and valuable bags
   - Restrict handling of property to transport drivers
   - Ensure transport vehicles have a padded storage compartment and a lockable metal compartment for valuables storage
   - Reinforce policies through training.

**Acceptance of recommendations**

DOJ has accepted all recommendations.

DOJ has responded that the roll-out of the department’s E*Justice Property Module in October 2005 will address many of the issues regarding access to a common database for public and private prisons and prisoner property data. Policies and procedures will be reviewed in the course of the roll-out. The private providers have also responded positively to my report.

I will request a report by DOJ by July 2006 on the implementation of my recommendations.
### Table 1 - Victorian prison data

<table>
<thead>
<tr>
<th>Prisons for males</th>
<th>Security level</th>
<th>Location</th>
<th>Public/Private</th>
<th>Design capacity</th>
<th>Actual capacity</th>
<th>Prisoners</th>
</tr>
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<tbody>
<tr>
<td>Fulham Correctional Centre</td>
<td>Medium</td>
<td>Sale</td>
<td>Private</td>
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<td>845</td>
<td>763</td>
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<td>Port Phillip Prison</td>
<td>Maximum</td>
<td>Laverton</td>
<td>Private</td>
<td>614</td>
<td>744</td>
<td>748</td>
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<td>Barwon Prison</td>
<td>Maximum</td>
<td>Lara</td>
<td>Public</td>
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<td>462</td>
<td>409</td>
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<td>Castlemaine</td>
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<td>391</td>
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<td>Melbourne Assessment Prison</td>
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<td>Minimum</td>
<td>Beaufort</td>
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<td>Bendigo</td>
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<td>Prisons for females</td>
<td>Security level</td>
<td>Location</td>
<td>Public/Private</td>
<td>Design capacity</td>
<td>Actual capacity</td>
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</tr>
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<tr>
<td>Dame Phyllis Frost Centre</td>
<td>Maximum</td>
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<td>Public</td>
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Reference: Supplied by Corrections Victoria
Investigation into the Handling, Storage and Transfer of Prisoner Property in Victorian Prisons

December 2005