



Sentence and Remand Order Processing Internal Audit Report

Department of Justice

February 2017



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GLOSSARY

CCS

Community Correction Services

SAU

Sentence Administration Unit

CIS

Custodial Information System

CRIMES

Criminal Registration, Information Management and Enquiry System

CCMS

Criminal Case Management System

TPS

Tasmania Prison Service

SOP

Standard Operating Procedure

DSO

Director's Standing Order



Executive Summary

Background and context

Context

The overall objective of the internal audit was to consider the Department's processes and control frameworks associated with obtaining, processing, calculating and validating prisoner release dates in accord with Court issued Sentence and Remand Orders in order to identify opportunities to improve efficiency, completeness and accuracy of these procedures.

A summary of findings and recommendations identified through this project has been included in this Executive Summary.

The specific objectives, scope and approach of the internal audit, as detailed in Appendix 1 to this report, were agreed with Department Management.

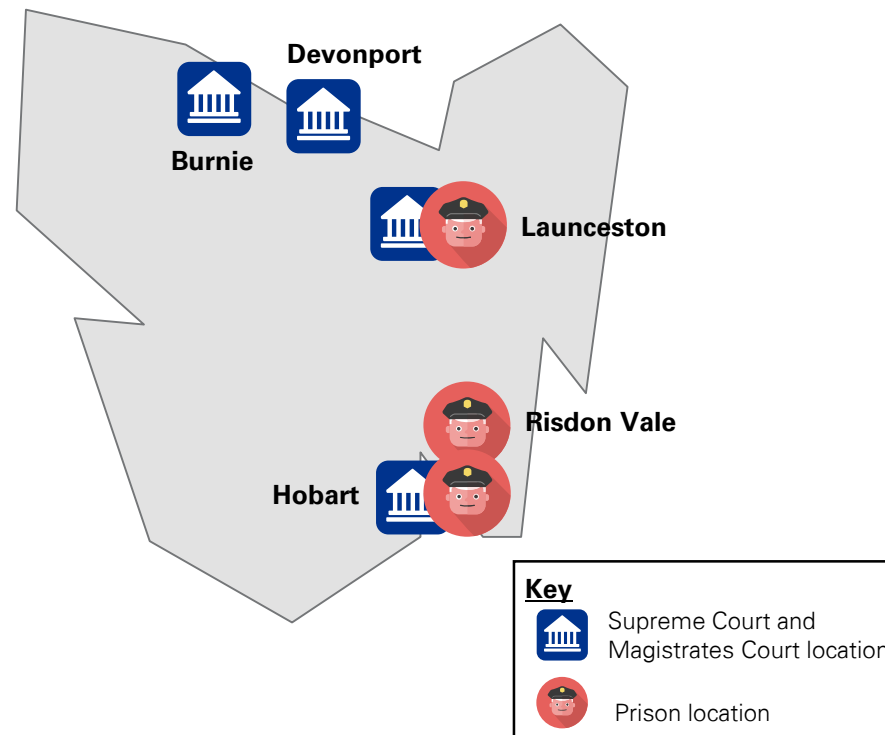
Background

Tasmania has a two tiered Court system comprising the Supreme and Magistrates Court. The Supreme Court acts as the highest court in Tasmania and incorporates a trial division, Full Court and Court of Appeal. Tasmania has three Supreme Court locations - Hobart, Launceston and Burnie. The Hobart Court serves the highest volume of cases with approximately 375 criminal matters (first instances) pending at the time of this project.

Similarly, the Magistrates Courts of Tasmania are located in Hobart, Launceston, Burnie and Devonport. The scale of matters heard within the Magistrates Courts number approximately 30,000 matters heard for the year (combined).

Tasmania's Prison Service also has three physical locations, Hobart, Launceston and Risdon Vale with Hobart and Launceston being utilised as reception prisons. Total inmates at Risdon vale at date of our internal audit visit was approximately 577.

Each of the above play a key role in the process of prisoner sentence calculation and the processing of sentences and remand orders. An overview of the process is contained within a flowchart in the background section on Slide 16.



Purpose, methodology and scope

Scope and methodology

Scope of work

The overall objective of this project is to consider the Department's processes and control frameworks associated with obtaining, processing, calculating and validating prisoner release dates in accord with Court issued Sentence and remand Orders in order to identify opportunities to improve the efficiency, completeness and accuracy of these procedures. The scope will necessarily include the consideration of:

- Formally documented guidelines, systems and processes for processing/ managing sentence and remand orders;
- The clarity of roles and responsibilities of those parties involved in the process, included relevant Court and Tasmanian Prison Service (TPS) officers; and
- Communication methods and protocols between the relevant parties in the process.

Consultation approach and methodology

This project was undertaken via consultations and review of policy and procedure. We undertook consultations with a range of individuals from the Supreme Court, Magistrates Court and Tasmanian Prison Service, as directed by Department Management. We also considered relevant policies and procedures, refer to Appendix 2 for data requests. We did not undertake any detailed compliance testing or sentence release date recalculation procedures. Our findings have been identified through our evaluation of available policies and process documentation and our understanding of the related processes as developed through our consultations.

Limitations

Limitations

Internal audit have identified the following scope limitations to be considered with this report. Limitation as follows:

- We conducted walkthroughs to confirm our understanding of the operation of the identified processes, and we note no detailed compliance testing of the historical application of the pre-existing processes was undertaken; and
- We consulted with key personnel at the TPS, Supreme Court, Magistrates Court and within the Department, and other relevant individuals, as advised by Department management.

Findings

Ref.	Description
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2.1	IT systems and maintenance IT systems currently used in the Sentencing and Remand Order process include CRIMES and CCMS (Courts) and CIS (TPS). These systems are no longer fit for purpose, i.e. showing technological obsolescence. This is evidenced by inability to record complex sentences and calculate prisoner release dates without manual override corrections.
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2.2	Information sharing database As noted in report point 2.1 the IT systems utilised by the Courts operate independently of each other with no interfacing ability. This restriction on information sharing can result in inappropriate release on bail of offenders due to lack of knowledge of matters held in the other Court. Furthermore, information sharing is limited, if at all, between Courts/TPS and other appropriate third parties, i.e. DPP.
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2.3	Warrants structure Warrants are a critical document within this process given they contain the judges' sentencing in relation to one/numerous matters heard. Two key issues were identified in relation to warrants. Firstly, due to the inconsistency in the structure, interpretation is challenging. Secondly, due to the complexity of the warrants the recording of such inline with the intention of the order remains a challenge.
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2.4	Training programs The Sentencing and Remand Order process is an inherently risky process by nature. Training programs for personnel involved in the higher risk processes is therefore critical to ensure risks attributable to human error are appropriately mitigated. This includes Judges involved in handing down sentences in accordance with the Sentencing and Corrections Act and personnel involved in sentence transcribing and completion of Record of Proceeding (ROP) sheets, compilation of Memorandums to Gaoler and Memorandums of Sentence, data entry into CRIMES/CCMS/CIS, as appropriate and Sentence and release date calculation.
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Findings (contd.)

Ref.	Description
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2.5	Sentence Administration Unit <p>TPS introduced a Sentence Administration Unit (SAU) in August 2016 for the calculation of prisoner sentences. However a number of findings have been made in relation to the unit including: physical location at Risdon Vale, lack of formalised policies and procedures and supporting training, manual calculation of sentences and override of CIS system and use of manual yearly diaries for notification of release/other dates.</p>
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2.6	Policies and procedures <p>Due to the inherently risky nature of the process involved in the sentence and remand order processing it is critical that it is supported by appropriate policies and procedures. It is our understanding that policy and procedure documentation supporting the Supreme Court, outside of Statement of Duties, is currently limited to the Associates. Similarly, the Magistrates Court personnel have a limited reference point to their Statement of Duties. The TPS, and more specifically the SAU, also have a limited reference points which include, their Statement of Duties and informal 'how to' documents.</p>
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Recommendations

In light of the key findings outlined on Slides 8 and 9, KPMG has made the following recommendations (continued over page). *Management actions in response to our recommendations have been prepared separately by Management.*

1

We recommend the Department identify a suitable alternative to the IT systems currently implemented at the Courts and TPS. The identified system should be configured to support compliance with the Corrections and Sentencing Acts, be sophisticated and flexible to allow for the entering of complex sentences and accurately calculate prisoner release dates.

While it is considered preferable to have one system across this process, i.e. Courts and TPS, this may not be feasible. We encourage Management to therefore ensure systems seamlessly interface to ensure data is shared between all parties enhancing visibility and reducing risk of error. Consideration should be given to the interfacing opportunities with Tasmania Police.

Findings 2.1
pg. 24

2

We recommend that the Department:

- Review the legislated guidance in the Sentencing Act for the provision of orders in simple language and consistent approach to the terms of the warrant (eg. days, months, weeks, total imprisonment term) OR consult with the Tasmanian Magistrate group to work through the issues, risks and develop consistent protocols; and
- Consider the appropriateness of the physical location of the Sentencing Administration Unit with respect to their ability to remedy warrant interpretation in a timely manner in consultation with the Supreme Court.

Findings 2.3
pg. 27

Recommendations (contd.)

3

We recommend that the Department:

- Coordinate training opportunities for all staff members involved in the critical processes previously identified. Training programs should be conducted in a timely manner following the appointment of the respective employees. Furthermore, formalised training records should be retained documenting respective dates and outcomes achieved.
- Develop a training schedule to ensure that following initial training for personnel is performed, opportunities for re-fresher training are identified as necessary.

Findings 2.4
pg. 29

4

We recommend that the Department:

- Consider the appropriateness of the location of the SAU in light of access to Courts personnel to promptly remedy any interpretation issues with sentences.
- Formalise draft procedures and distribute to personnel as soon as practical, accompanied by training as deemed necessary.
- Investigate an appropriate replacement IT system which is fit for purpose and removes the requirement for manual calculations of sentences and overrides.
- Following the implementation of an appropriate IT system, seek to leverage its capabilities in order to provide system notifications of release dates, i.e. removing the need for manual diaries.

Findings 2.5
pg. 30

5

We recommend that the Department:

- Ensure critical processes, across all divisions, are supported by formalised policies and procedures to ensure clarity and consistency within the process. These policies and procedures, once formalised, should be subject to annual/periodic review.
- Where policies and procedures currently exist ensure personnel are appropriately trained in their application and are updated for any changes, as required.
- We encourage the TPS to formalise current 'how to' documents pertaining to the SAU into DSO's as soon as practical.

Findings 2.6
pg. 32



Background

Background

The Prison and Court System

Tasmania has a two tiered Court system comprising the Supreme and Magistrates Court. The Supreme Court acts as the highest court in Tasmania and incorporates a trial division, Full Court and Court of Appeal. Tasmania has three Supreme Court locations - Hobart, Launceston and Burnie. The Hobart Court serves the highest volume of cases with approximately 375 criminal matters (first instances) pending at the time of this project.

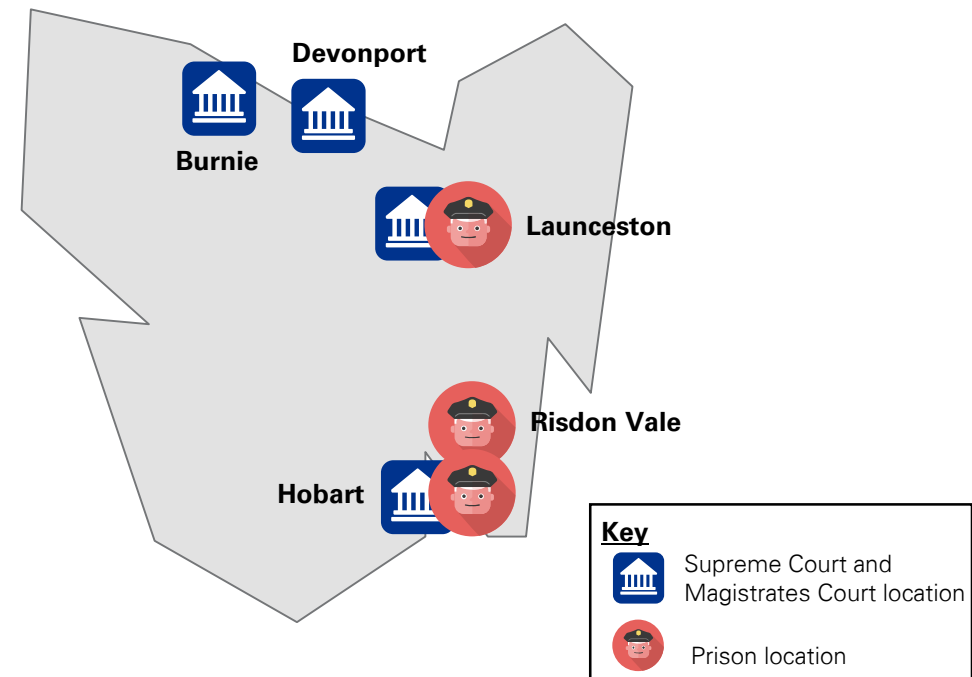
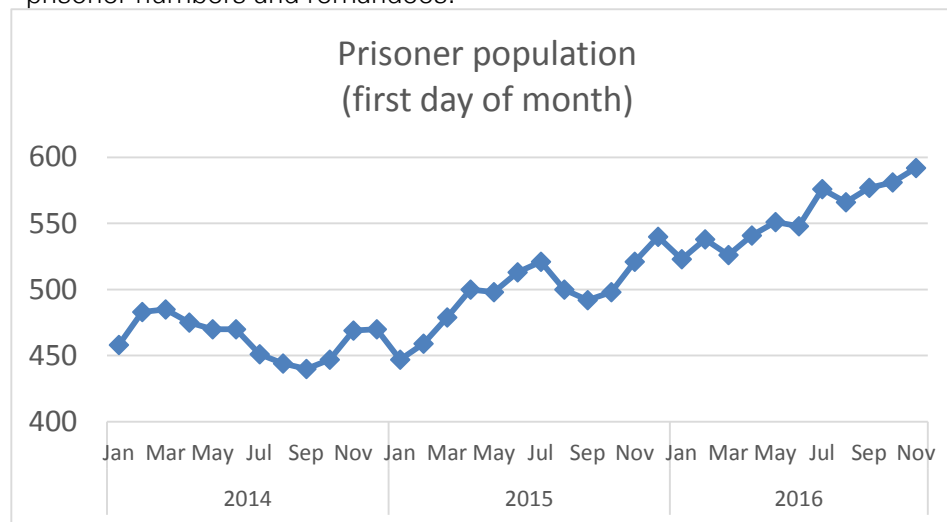
Similarly, the Magistrates Courts of Tasmania are located in Hobart, Launceston, Burnie and Devonport. The scale of matters heard within the Magistrates Courts number approximately 30,000 matters heard for the year (combined).

Tasmania's Prison Service also has three physical locations, Hobart, Launceston and Risdon Vale with Hobart and Launceston being utilised as reception prisons. Total inmates at Risdon Vale at date of our internal audit visit was approximately 577.

Each of the above play a key role in the process of prisoner sentence calculation and the processing of sentences and remand orders. An overview of the process is contained on Slide 18.

The Tasmania Prison system

The Tasmanian prison system has sustained increases in both overall prisoner numbers and remandees.



The Tasmanian Justice system - Warrants and Remissions

The legal status of an offender is determined by the warrant(s) or court order(s) which provide the legal basis for the detention in custody of the offender. Some offenders may have more than one type of warrant issued against them; therefore, it is possible for an offender to have dual status (e.g. under sentence for some offences and awaiting appeal results for others, or under sentence and awaiting deportation). The counting rules for determining the legal status of an offender are as follows: If the prisoner has been sentenced for any offence then this takes precedence over any other offence(s)/charge(s) for which the prisoner is unsentenced.

Warrants and Remissions in Tasmania

The calculation of expected time to serve is based on the totality of all sentences less remissions which may be granted on eligible sentences. Tasmania is the only state in Australia to retain prisoner remissions. Some sentenced prisoners may be eligible for remission. Remission is the reduction in the length of a prisoner's sentence, up to a maximum of 3 months. Decisions about remission must be made in accordance with legislation (the Corrections Act 1997).

In Tasmania, the Director of Corrective Services (or delegate) may grant remission to a prisoner as an incentive to, or reward for, good behaviour while the prisoner is in custody. A prisoner must be sentenced to a total period of imprisonment of more than 3 months to be eligible for remission.

Requirements of the system

The Judicial system must ensure compliance with two key Acts in Tasmania namely, the Corrections Act 1997 and the Sentencing Act 1997.

The **Sentencing Act, section 92** specifies that If a Court makes an order in relation to an offender it must explain, or cause to be explained, to the offender in simple language:

The purpose and effect of the order;

The consequences that may follow if the offender fails, without reasonable excuse, to comply with the order; and

The way in which the order may be varied.

Section 26 of the Corrections Act 1997 define when a person is in the legal custody of the Director and when that custody ceases. The capacity to interpret sentences and conduct authorised adjustments to sentences is essential for any correctional system. This means the system is required to:

Maintain accurate prisoner records

Ensure prisoners are held in custody correctly

Ensure prisoners attend court as required.

Justice Information Systems - background

Summary of systems

There are 3 key IT systems supporting the Remand Order and sentence calculation process as follows:

1

CRIMES: used in the Magistrates Court

2

CCMS: used in the Supreme Court

3

CIS: used at the TPS

These systems do not integrate with each other OR the Tasmania Police systems. A lack of integration between systems results in a restriction of the ability to share critical information, i.e. prisoner records/matters status between courts. While this information may be communicated via other channels this is both inefficient and increases the risk of error.

With respect to manually overriding system calculated release dates, this poses a significant risk to the Department of prisoners being incarcerated beyond release dates or released ahead of their eligible release date.

Justice information management background

2009-2010

In 2009, the Department of Justice (the Department) identified an urgent need to substantially upgrade core systems used by the Magistrates' and Supreme Courts respectively. It was noted at the time, that these legacy systems were becoming increasingly costly to maintain, and did not meet the current or future needs of either Court.

Further, the systems supporting the Courts rely heavily on manual processing thereby creating a raft of inefficiencies. This in-turn has a downstream effect on other stakeholders who rely on the information generated by the Court or who are generators of information to be used by the Court.

The Department conducted a detailed business case and stakeholder engagement across Justice agencies in 2009/10, to scope the works to create an information management system "fit for purpose" for the Tasmania Justice system.

At this time, significant risks were identified for the Department, including the system issue that critical information was not efficiently or effectively shared between sector participants. Most notable were the risks associated with an inability to share vital real time information within the sector and the high likelihood of an incident occurring as a result.

2013-2014

In 2013 the Department submitted a funding request, to establish the Criminal Justice Information Management Program – Stage One (CJIM). This funding was approved in 2013 with funding secured via the ICT Project Fund. The Department established CJIM in February 2014.

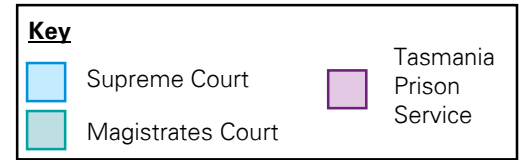
In April 2014, the Program was suspended by the Department to help address the budget deficit.

The system challenges of the poor quality information management have again been highlighted during the 2015 whole of Government working group focus on Family Violence and the subsequent initiative

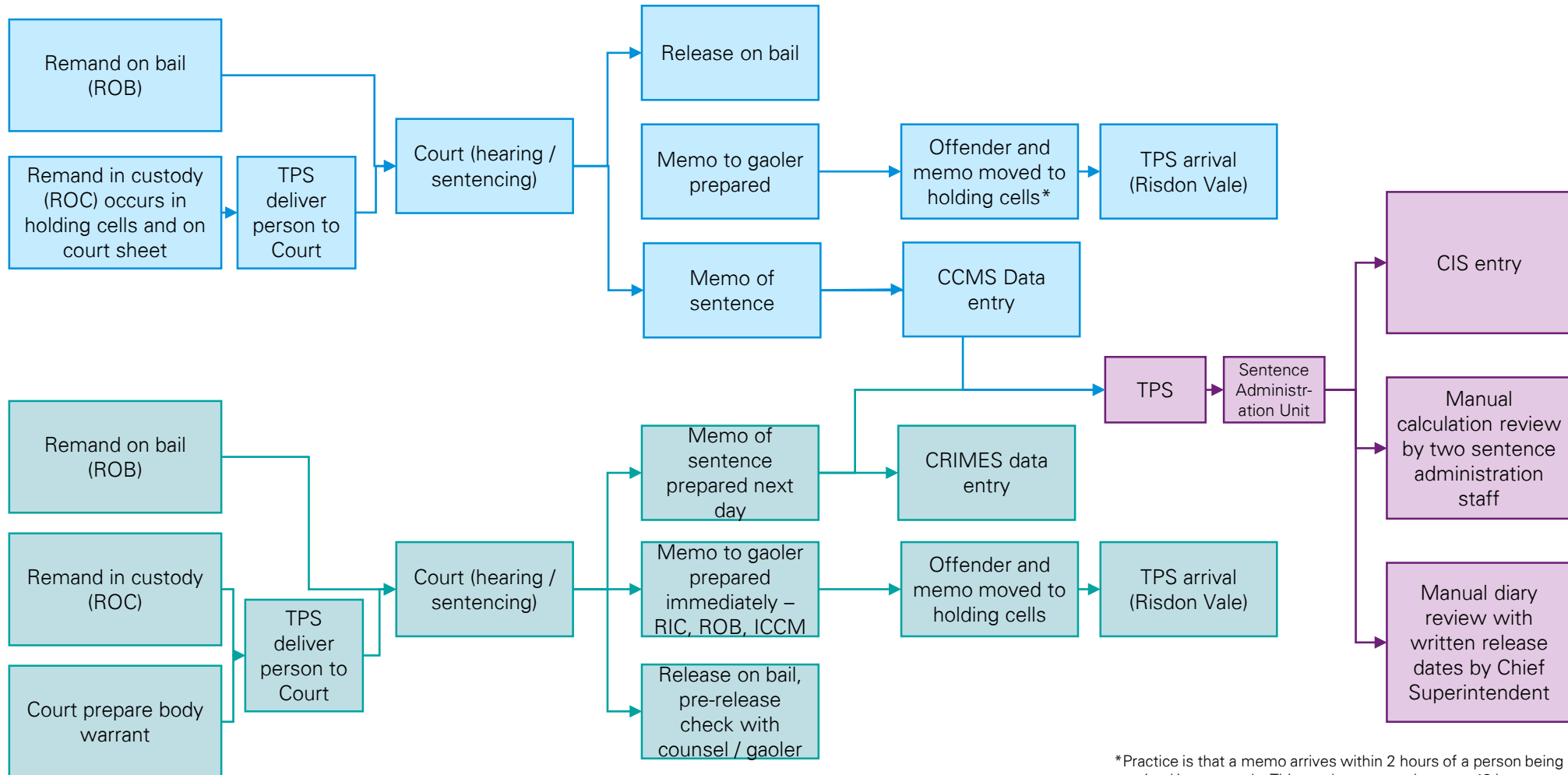
Safe Home, Safe Families initiative, which again identified the development of a business case for a "Criminal Justice Information Management System that ensures agencies have access to all the relevant information to assist the prevention of family violence, to support victims and hold perpetrators to account".

Background

Process Chart- Court to Prison



The following shows the various information management, warrant and sentence calculation process points from Court to prison.



*Practice is that a memo arrives within 2 hours of a person being received into custody. This can however, take up to 48 hours

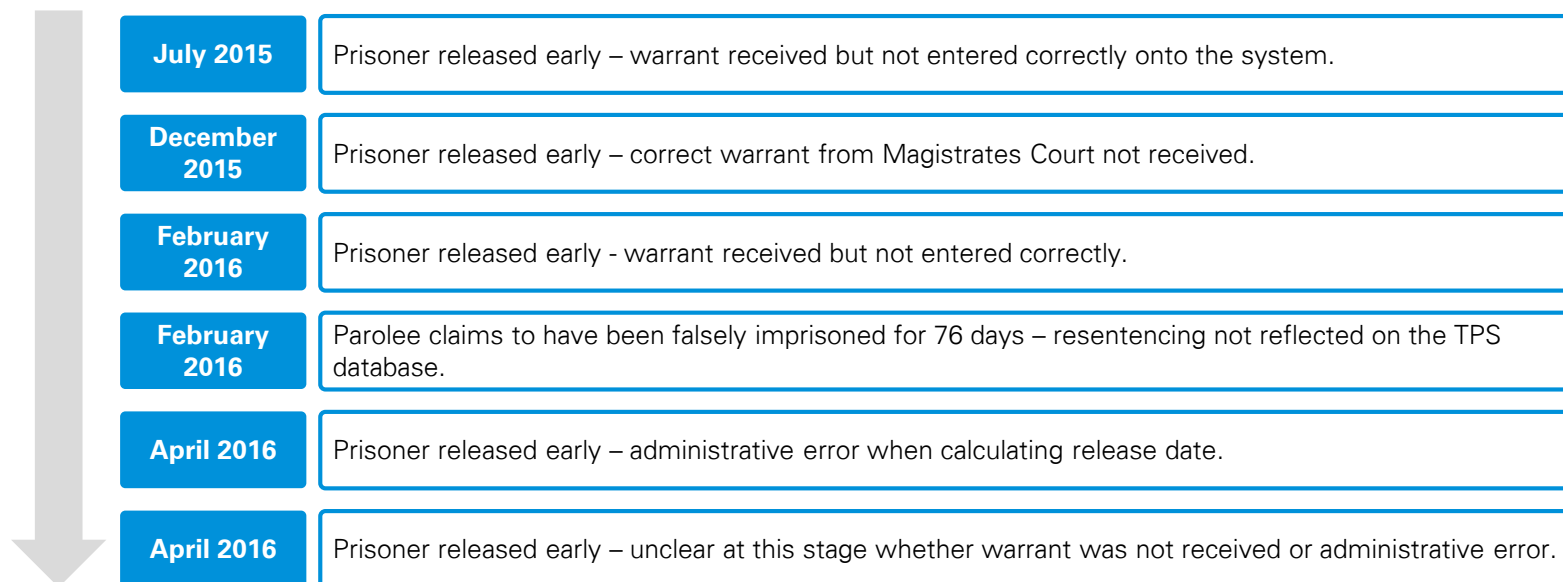
Fundamentals of information systems

The process chart on the previous page highlights the complexity of the justice system from a Warrant and Sentence calculation perspective. Each step or phase has potential error risk (data entry, calculation risks and multiple information management systems). This is compounded by the multiple information systems across the Tasmanian Justice System that do not integrate, the complex and inconsistent structure of Warrants and the manual calculation of Sentences once a prisoner is receipted into custody.

These issues have led to a number of known incidents, which have been highlighted in the past 18 months.

Incidents driving the review:

The Department has identified a number of occasions on which it has released prisoners on the incorrect date due to what appear to be errors in the processes for dealing with warrants and the correct calculation of sentences. A summary of these incidents include:



These incidents have raised concern about the effective processing of prisoners within the justice system and the ability of the system to carry out its requirements under the Act. They have raised significant concern for the Department, stakeholders and the Community.



Consultation and information review analysis

Consultation themes

Below are the key themes from consultations with Magistrates and Supreme Courts.



Key themes from consultations with Courts (Magistrates and Supreme Courts)

*Reference to
Section 2
Detailed Findings*

Data systems that are **outdated and insufficient**

2.1

Data and information management that is not integrated across TPS, Courts and Police

2.1

Concern about the manual processes from the Courts:

- Memo of sentence (generally completed during the next day)
- Memo to gaoler– (generally completed immediately)
- Email of the Memo of Sentence – sent to TPS and three Court staff and printed (for the Court file)

2.2

Over-reliance on a small number of key staff who can trouble shoot warrant and sentence calculation issues

2.4

The high volume of “Remand Days” within the Supreme Court and **no capacity to accommodate prisoners over night in court cells**

Other
Findings

Poor quality of video conferencing which means **Judges prefer “in person” hearings**

2.1

Inconsistent processes for warrants – no consistent approach to term (days, weeks, months). Can be cross checked by the JAVS system (for clarifications) – but this is time consuming.

2.3

The **need to have “one source of truth” for all cases** – which is the “record of proceedings.” Again time consuming and these are generally handwritten (increased error rates).

2.3

CIS system not set up to effectively manage the requirement of “body warrants” – which ONLY apply if the individual is in custody. These have caused confusion from TPS staff. The risk is that these could be interpreted as “remand till court date”, holding prisoners beyond their sentence. Similarly there is no integration or information sharing of “body warrants” for the Supreme and Magistrates Court.

2.1

Consultation and information review analysis

Consultation themes

Below are the key themes relating to TPS, the case study highlights a real-life example of how the processes can result in less than satisfactory outcomes.



Key themes from TPS

Reference to Section 2 Detailed Findings

The CIS system is insufficient for TPS to manage/calculate prisoner sentences, with staff over-rides to over 40% of data entries (due to the system not being able to manage the complexity of sentences and remissions).

2.1

Warrants are difficult to interpret. Often TPS is unclear of the imprisonment terms (days, weeks or months). These definitions are critical and can result in different terms – a month can be 28, 30, 31 days for example. These need to be made “easier to interpret – so there is no room for error” This has required supplementary legal advice.

2.3

The demand on TPS video conferencing for Courts is significant and has unintended consequences for their visits program. In particular the cancellation of professional visits on a Tuesday and Wednesday.

Other
Findings

The knowledge and expertise resides with a small number of staff, there has been no dedicated training effort (with the exception of mentoring and knowledge sharing).

2.2

Current “workaround process” to ensure accurate sentence calculation requires the manual upload of information into a hardcopy workbook, which is then cross checked by two other staff. This is a time consuming and labor intensive process.

2.5

The Sentence Administration Unit is located at Risdon Prison. The critical issues for warrants/sentence calculations occurs at the court. Some staff felt that the unit placement considerations need to reconsidered.

2.5

Remission rules are complex and the approval process (of TPS operational staff) lacks independence and is suggested to be approved unless exceptions (behavior/issues).

Other
Findings

Sentence Administration Unit operates Monday to Friday 9 – 5. Most operational issues, bails and warrant issues often occur late in the day (e.g.: after an escort arrives post court). Need to determine operating model (hours of delivery).

2.5

Lack of policy and guidelines to help staff navigate and provide clear processes for warrants and sentence calculations (note – at the time of the review TPS had commenced drafting these procedures).

2.6



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Warrants case study – Example

To highlight the complexity of the Warrants, we have provided a case example to illustrate the need for a review on how Warrants are documented. The following example shows a warrant case with a number of updates and amendments and resulting confusion in the calculation of release dates.

Overview

Two warrants issued, both incorporating sentences that contradict each other and result in confusion as to the intended sentencing outcome. Further, there are two *Memos to Gaoler's*, the second of which was issued to amend the first.



Sentencing

First warrant (Nov. 2015) – ..ordered the sentence of 4 months be put into effect commencing on the 16th day of September 2015.

Second warrant (Nov. 2015) – The Court sentenced the defendant on those charges to serve a term of 9 months imprisonment cumulative (with other orders)

First Memo to Gaoler (Jul. 2016) - 18 months imprisonment to be served cumulative to the sentence imposed on November 2015. Six months of that sentence suspended on the condition that he commit no offence punishable by imprisonment for a period of 18 months on release from prison... not eligible for parole until ... served the minimum six months of the balance of that sentence.

Second Memo to Gaoler (Sept. 2016) – I vary the sentence by having it commence on 15 June 2016.



Calculation of release dates

First warrant calculation

16/09/2015
+
4 months
+
9 months
=
15/10/2016

Confusion occurs due to the differences in start and end dates and overlapping time

Second calculation

15/06/2016
+
12 months
=
Parole eligibility at 15/12/2016

Overview of existing Policies and Procedures

A range of formal and informal documentation underpins and guides the prisoner remand order and sentencing processes at TPS, the Magistrate's Court and the Supreme Court. There is a lack of comprehensive and consistent Policy and Procedures (refer to Detailed Findings 2.6)



Supreme Court

The Supreme Court operations are supported by the following documents:

- Statement of Duties;
- Associates Handbook 2016;
- Templates for Memo of Sentence and Memo to Gaoler; and
- Organisational charts.

Statement of Duties provide guidance with regards to an individual's role objective, duties, level of responsibility, direction and supervision received, selection criteria, working environment and role requirements.

The **Associates Handbook** supports the Judges' Associates. For example, the Handbook details the activities undertaken on remand day, i.e. pre court procedures, day of court, in-court and post court procedures. Similarly the steps involved with memorandum preparation and criminal files.



Magistrates Court

The Magistrates Court personnel and processes are guided by the following:

- Statement of Duties;
- Templates Prisoner Advice Document/Interim slips; and
- Organisational charts.

Statement of Duties provide guidance with regards to an individual's role objective, duties, level of responsibility, direction and supervision received, selection criteria, working environment and role requirements.



TPS & Sentencing Administration Unit

TPS and the SAU are guided by an array of documents which include the following:

- Directors' Standing Orders (namely DSO 2.02 covering Reception and Induction);
- Associated Standard Operating Procedures (SOP)s and Interim SOPs;
- Statement of Duties; and
- Informal 'how to' guidance documents.

The relevant **DSO** requires that 'all sentence calculations and release dates must be checked, validated and entered into CIS on the day the prisoner/detainee is received into custody, or the following business day if the prisoner/detainee is received outside normal business hours'.

The relevant **SOPs** provide the relevant procedures, and the **Statement of Duties** provide guidance with regards to an individual's role objective, duties, level of responsibility, direction and supervision received, selection criteria, working environment and role requirements.



Detailed findings

2.1 IT systems and maintenance findings

There are 3 key IT systems supporting the Remand Order and sentence calculation process as follows:

1. CRIMES: used in the Magistrates Court;
2. CCMS: used in the Supreme Court; and
3. CIS: used at the TPS.

There are a number of significant problems with the management of information in the Tasmanian criminal justice sector which are an impediment to effective and reliable processing of individuals in the criminal justice system. These are:

- No integrated information management system across the justice system;
- Disparate, unstable systems and complex processes are increasing cost and creating inefficiencies across the sector.

There is **no** single source of accurate, reliable and verifiable data for information used in the Criminal Justice sector. This is primarily due to the disparate and siloed nature of the systems that support services and the manual based processes that accompany them. In addition, there are a number of issues in respect to the quality of the data due to the age and composition of the key business systems used by the Courts and other participants.

The following has been found in relation to these systems:

Obsolete technology

Systems have not been upgraded in the past 5 years, in some cases 10 years. This has resulted in current system functionality no longer being fit for purpose, two examples to illustrate this include:

1. CRIMES system containing (in some instances) inaccurate sentencing information due to system limitations on sentencing options; and
2. CIS system being manually overridden by staff to ensure the system calculation of release dates is accurate.

No system interface

No interfacing or integration between systems, i.e. each run independently of one another requiring data to be re-entered into each system. Refer to flowchart (on page 18) for visual depiction of systems running in isolation to one another.

Furthermore, we noted that the JAVS audio system, used by the Supreme Court, also operates in isolation to the CCMS system, which is over 20 years old. Therefore audio records are unable to be linked to CCMS prisoner profiles and records, i.e. no central repository of information.

2.1 IT systems and maintenance findings (contd.)

Below is a summary of the potential impacts and the KPMG recommendations.



Where IT systems are out of date and functionality is inadequate for business use it poses a risk to the accuracy, integrity and completeness of the data recorded.

A lack of integration between systems results in a restriction of the ability to share critical information, i.e. prisoner records/matters status between courts. While this information may be communicated via other channels this is both inefficient and increases the risk of error.

With respect to manually overriding system calculated release dates, this poses a significant risk to the organisation of prisoners being held in incarceration inappropriately or released ahead of their eligible release date.



We recommend the Department identify a suitable alternative to the IT systems currently implemented at the Courts and TPS. The identified system should be configured to support compliance with the Corrections and Sentencing Acts, be sophisticated and flexible to allow for the entering of complex sentences and accurately calculate prisoner release dates. It is noted that both the Victorian and New South Wales jurisdictions have robust systems upon which an improved Tasmanian IT solution could be modeled.

While it is considered preferable to have one system across this process, i.e. Courts and TPS, this may not be feasible. We encourage Management to therefore ensure systems seamlessly interface to ensure data is shared between all parties enhancing visibility and reducing risk of error. Consideration should be given to the interfacing opportunities with Tasmania Police.

2.2 Information sharing database findings

KPMG found the following in relation to the information sharing databases used by the Court System in Tasmania. There is no “formal” information sharing data base across the courts, prison and police systems. This places significant risk on the system and relies on the experience and knowledge of the staff to manually cross check information which is time consuming and can cause further errors. This also means the effective management and system wide response to complex issues such as family violence, sex offender management, high risk offenders may not be sufficiently managed when integration of Courts, Police and Corrections cannot share information.

Weak or no information sharing practices

As highlighted in report point 2.1 and the flowchart, the IT systems used by the Supreme and Magistrates Courts operate in isolation to one another. This presents a significant risk to the process overall as there is no transparency or visibility between the Courts of matters and respective sentences of individuals on remand or imprisoned.

To highlight the severity of this matter, we noted that the Associates Handbook makes specific reference to confirming the accused custodial status with the Gaoler and Counsel prior to their release on bail.

Furthermore, we understand that currently there is limited, if any, visibility into the Courts or TPS systems by appropriate third parties, i.e. DPP. Information sharing and transparency between appropriate third parties assists in the effective management of offenders whilst imprisoned and following their release.



Potential impact

Where a Courts’ visibility is restricted to matters within their own jurisdiction there is a risk that offenders may be inappropriately granted bail/new charges dismissed and released due to lack of awareness of other matters, i.e. Magistrates Court matters when current matter in Supreme Court.

Furthermore, where there is limited or no visibility between appropriate third parties the appropriate management of prisoners and released offenders can not be effectively carried out.



KPMG recommendation

We recommend the Department:

- Identify an appropriate replacement IT system to be used within the Courts and TPS. Where one system cannot be feasibly operated across all divisions, ensure that appropriate interfacing is implemented.
- Investigate opportunities to share relevant information between Courts, TPS, DPP and other Department bodies (as necessary)

2.3 Warrants structure findings

Through our consultations and consideration of warrants of sentence we noted that sentences handed down across the Courts lack consistency in structure. Where ambiguity exists in the interpretation of warrants used to calculate release dates it poses a significant risk to the Department.

Ambiguity in calculations of prisoner release dates from Warrants

- There is no standardised approach to the construction of a warrant for the following terms:
 - The sentence structure – days, weeks OR months
 - The total imprisonment period required
 - The clarity of “concurrent vs cumulative sentences” across all charges;
- The lack of clarity means it can take staff days or weeks to correctly notify prisoners of their “actual release date”;
- Warrants are complex and not in simple language OR a manner in which a “lay person” can interpret and understand the intended sentence structure;
- A need for those processing the warrant to seek guidance as to the intention and application of the warrant causing a notable time lag in TPS’s ability to advise the prisoner of their release date. This may also contribute to non-compliance with DSO section 2.02 which specifies in section 6.6 that all sentence calculations and release dates must be entered into CIS on the date the prisoner/detainee is received into custody;
- The physical location of the Sentencing Administration Unit, may further inhibit the timeliness of obtaining clarity on the order and could be better located within the court jurisdiction;
- In extreme cases may result in the matter being re-heard to provide clarity to the intention and application of the sentence.

The Sentencing Act dictates in Section 92 that “if a Court makes an order in relation to an offender it must explain, or cause to be explained, to the offender in simple language –

- The purpose and effect of the order; and
- The consequences that may follow if the offender fails, without reasonable excuse, to comply with the order; and
- The way in which the order may be varied.”

Given this, any warrants issued which result in uncertainties in the calculation of release dates are at odds with the Act requirements.

Inaccurate data

Inaccurate data recorded in the respective Information Systems (particularly given the current system limitations as noted above, refer to report point 2.1) is a regular occurrence. Consultations consistently reported that staff do not rely on the information systems.

2.3 Warrants structure findings (contd.)

Below is a summary of the potential impacts and the KPMG recommendations.



Where warrants are not structured in a clear and consistent manner it significantly increases the risk of inaccurate sentence calculations. Where calculations do not align to the intention of the warrant there is a risk that prisoners could be released early or retained inappropriately. Furthermore, where warrants are unclear and explanations are sought from the Courts, TPS is retaining prisoners without the ability to advise them of release dates which they are otherwise entitled to be aware of.

These issues have contributed to a number of incidents and pose a significant risk to the Department.



We recommend the Department:

- Review the legislated guidance in the Sentencing Act for the provision of orders in simple language and consistent approach to the terms of the warrant (eg. days, months, weeks, total imprisonment term) OR consult with the Tasmanian Magistrate group to work through the issues, risks and develop consist protocols; and
- Consider the appropriateness of the physical location of the Sentencing Administration Unit with respect to their ability to remedy warrant interpretation in a timely manner in consultation with the Supreme Court.

2.4 Training programs findings

KPMG found the following in relation to the training used by the Court System in Tasmania. Consultations revealed that both the Courts and TPS rely on a small number of individuals who hold the “knowledge” on warrant and sentence calculations. These people have robust relationships with the Courts and can resolve issues through their network. There is no documented process and there has not been a review of the approach to ensure the processes reflect a contemporary approach.

Need for formalised training programs

The Sentencing and Remand Order process, as illustrated in the flowchart on page 16, has a number of handover points and is inherently risky by nature. Ensuring staff involved in the process are adequately qualified and appropriately trained is paramount to mitigating this risk.

Formalised training programs, to complement policies and procedures, is critical for personnel involved in the following:

- Sentence transcribing and completion of Record of Proceeding (ROP) sheets;
- Compilation of Memorandums to Gaoler and Memorandums of Sentence;
- Data entry into CRIMES/CCMS/CIS, as appropriate; and
- Sentence and release date calculation



Potential impact

Where adequate training is not provided to personnel it increases the risk of error in tasks due to lack of understanding or awareness. Every Correctional state/jurisdiction has warrant and sentence calculation processes, which could provide opportunities for process improvement, training manuals and efficient processing options.



KPMG recommendation

We recommend the Department:

- Coordinate training opportunities for all staff members involved in the critical processes previously identified. Training programs should be conducted in a timely manner following the on-boarding of the respective employees. Furthermore, formalised training records should be retained documenting respective dates and outcomes achieved.
- Develop a training schedule to ensure that following initial training for personnel is performed, opportunities for re-fresher training are identified as necessary.

2.5 Sentence Administration Unit findings

Sentence calculations are performed by TPS which historically have been performed at the holding cells for the Supreme Court, located underneath the Court. Calculations were performed by one to two key personnel primarily based on their knowledge of warrant interpretation and impacting factors, i.e. remission periods. Key risks in the existing sentence calculation process include increased risks of early release, late release or the risk of misinterpreting the intention of the Judge or Magistrate for the sentence.

However, in August 2016 TPS introduced a Sentencing Administration Unit. This Unit is located at the TPS in Risdon Vale and is currently resourced by three designated TPS personnel with additional resourcing currently being sought for a band 4 and 5 employee. This Unit has the vital role of calculating prisoner release dates. Whilst the SAU also manage the Section 42 leave programs and prisoner classification (which align to Risdon prison), the risks of errors and misinterpretation of sentence/remission calculations pose concern, requiring some consideration.

Acknowledging the Unit’s recent introduction, we note the following:

Location limitation	The physical location of the Unit, being Risdon Vale, inhibits the Units’ personnel from seeking timely clarification on warrants received. It is our understanding that warrants are currently provided to the Unit following the arrival of the prisoner therefore providing them with a release date upon arrival is impractical. It also results in clarification having to be sought via telephone/emails rather than face to face communication. Should an integrated and effective IT system be implemented, and the Warrants process simplified, the placement of the SAU would not require consideration. However, potential relocation of the SAU would enhance capability of the Unit to perform early identification of warrant/sentence calculation and release dates. In addition, it would result in an increased ability to resolve any issues (e.g. with the registrar) prior to the prisoner leaving the custody cells and it would further strengthen the relationship between TPS and Court staff.
Limited guidance	No formalised policies/Directors’ Standing Orders/procedures currently exist to guide and inform the Unit.
Manual calculations	Warrant calculations are a manual process completed by personnel in isolation to the CIS system (due to system inadequacies). Release dates in CIS are overridden by personnel with manually calculated dates.
Duplication	The Unit is currently duplicating efforts via recording of release dates in both the CIS system and manual yearly diaries. We note that while the manual diaries are checked for accuracy there are not appropriate safeguards to prevent inappropriate and unauthorised adjustments.

2.5 Sentence Administration Unit findings (contd.)

Below is a summary of the potential impacts and the KPMG recommendations.



Each of these factors considered in combination pose a significant risk to the organisation of inappropriate release of prisoners.

Being constrained by physical location in order to receive and remedy interpretation issues with warrants results in time lags for prisoner release dates advice and increases the risk of error in calculations.

Furthermore where the Unit does not have sufficient and appropriate reference points, i.e. policy and procedures, the risk of unintentional errors escalates. This risk is further increased by the current level of key person dependency in the Unit, this has existed for a period of time.

The manual calculation of release dates also increases risk factors as it introduces an element of human error which may not be adequately mitigated through review. This is compounded by overriding CIS system calculations with manual calculations.



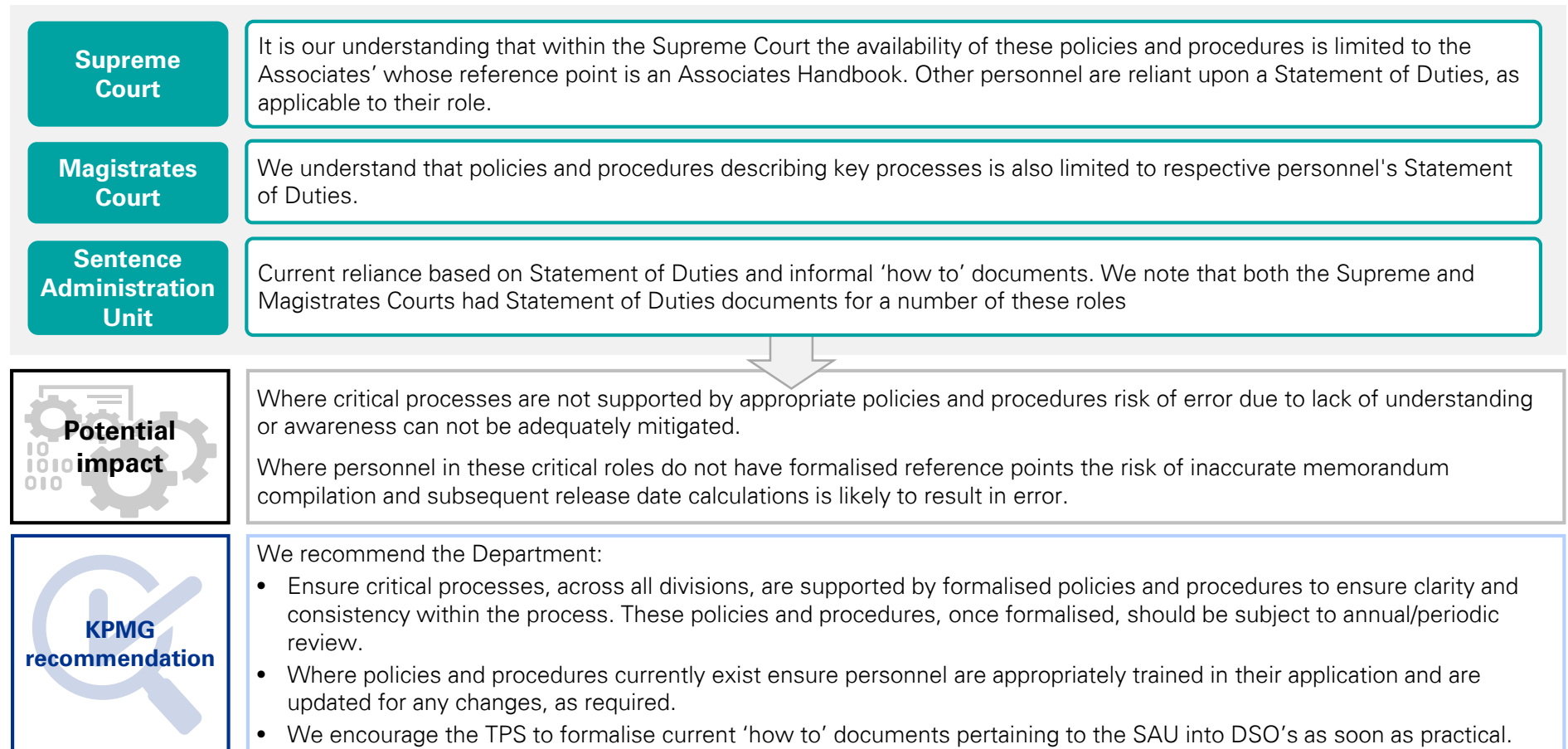
We recommend the Department:

- Consider the appropriateness of the location of the SAU in light of access to Court personnel to promptly remedy any interpretation issues with sentences.
- Formalise draft procedures and distribute to personnel as soon as practical, accompanied by training as deemed necessary.
- Investigate an appropriate replacement IT system which is fit for purpose and removes the requirement for manual calculations of sentences and overrides.
- Following the implementation of an appropriate IT system, seek to leverage its capabilities in order to provide system notifications of release dates, i.e. removing the need for manual diaries.

2.6 Policies and procedures findings

Due to the inherently risky nature of the Sentence and Remand Order process, guiding documentation is a necessity. Policies and procedures appropriately developed can assist in the mitigation of the risk of human error due to lack of understanding or awareness.

As identified in report point 2.4, there are a number of personnel involved in key areas of the process. Each of these processes should be supported by policies and/or procedures to outline the requirements. By Division our findings were as follows:



Other findings for consideration

The following items were as part of the review identified, which could be considered by the Department

Unintended consequences of video courts restricting professional / other visits

The demand on video conferencing/court has resulted in resource challenges at Risdon prison. Whilst this is an operational issue, this could be resolved through either additional video conferencing facilities and infrastructure to enable both video conferencing and professional visits to run concurrently, or review the technology and process requirements for professional visits. For example, there is a trend to offer "Skype" based video visits for professional/personal visits – enabling cheap infrastructure (laptop with camera – secured).

Unintended consequences of the use of remission

Tasmania is the only Australian State to retain remissions of sentence. Whilst their intended purpose provided an "incentive" for prisoners to behave, the existing approach of approval to the majority (unless significant behavior/incident concerns) makes them less of an incentive and more of an entitlement. In contemporary Correctional systems, there are alternatives to this approach, which have had great success in changing and promoting positive behavior change. It is noted that the TPS policy is currently under review, with a focus on increasing the rigour around the assessment process.

Innovation in video visits – for professional / personal visits

Professional visits (e.g.: Lawyers/Psychologists) face to face are expensive and time consuming for the practitioner and resource intensive for the prison (e.g.: the need to search/escort/room bookings). Some jurisdictions are moving towards offering efficient Skype based video visits, which have been implemented in the UK, USA, Scandinavia and Australia. These offer a cost effective solution and ensure video conferencing is available for Courts.

Unintended consequences of the use of Remand Court days within the Supreme Court

The use of Remand Court days within the Supreme Court is a practical solution to efficiently processing bulk prisoners through a court day. It does mean that matters are "held" to the next remand court day. Consideration could be given to a more flexible and frequent approach to Remand Court days, noting the finite numbers of Judges.



Appendices

Appendix 1: Scope

The overall objective of the internal audit is to consider the Department's processes and control frameworks associated with obtaining, processing, calculating and validating prisoner release dates in accord with Court issued Sentence and Remand Orders in order to identify opportunities to improve efficiency, completeness and accuracy of these procedures. The scope will necessarily include the consideration of the following:

- Formally documented guidelines, systems and processes for processing/ managing sentence and remand orders;
- The clarity of roles and responsibilities of those parties involved in the process, included relevant Court and Tasmanian Prison Service (TPS) officers; and
- Communication methods and protocols between the relevant parties in the process.

Other than the conduct of "walkthroughs" to confirm our understanding of the operation of the identified processes, no detailed compliance testing of the historical application of the pre-existing processes will be undertaken.

Approach

The internal audit is to be performed using the following approach:

- An initial background information gathering process to be completed jointly by the Department and internal audit staff which would provide documented details of relevant processes associated with key system elements.
- Documenting our understanding of relevant practices and associated system elements via consideration of available policy and process documentation, site visits to selected operational centres and discussions with relevant Court and TPS personnel.
- Undertaking an analysis of the key policies and procedures and associated information system, including CRIMES, CIS and other supporting databases and spreadsheets.
- Identifying opportunities to improve the efficiency, completeness and accuracy of these procedures.

Internal control structure

Due to the inherent limitations of any internal control structure, it is possible that fraud, error or non-compliance with laws and regulations may occur and not be detected. Further, the greater internal control structure, has not been reviewed in its entirety and, therefore, no opinion or view is expressed as to the effectiveness of the greater internal control structure.

The procedures performed were not designed to detect all weaknesses in the control structure as they are not performed continuously throughout the period and the tests performed on the control structure are on sample basis.

Appendix 2: Data requests

The table below outlines the data requests made as part of our policies and procedures review phase:

Document requested	Area of application (Court/TPS)
Position description/role statement	All parties in consultations (Courts & TPS)
Organisational chart	Courts and TPS
Any broad policies on system integration (between courts/police/prisons)	Courts
Any policy on information sharing	Courts
Any announcement OR strategy on: system integration/IT capability across the system	Courts
Any procedures/DI's that address prisoner reception, remand, Bail, and release	TPS
Any procedures/DI's that provide guidance on the correct application of CIS and updates to this system	TPS
Any procedures/DI's that provide information/advice on the process to ensure correct sentence calculations	TPS
Any remand and or prisoner movement procedures	TPS – Holding cells [Hobart]

Appendix 2: Data requests (contd.)

The table below outlines the data requests made as part of our policies and procedures review phase:

Document requested	Area of application (Court/TPS)
Any procedures pertaining to the processes of prisoner remand (direct from court)	TPS – Holding cells [Hobart]
Any procedures pertaining to data entry from reception to release – process guides issued by TPS	TPS – Holding cells [Hobart]
Any procedures pertaining to court movements (i.e. the court movement procedure/calling up body warrants)	TPS – Holding cells [Hobart]