



# OMBUDSMAN

for the

NORTHERN TERRITORY OF AUSTRALIA

## Report of the Northern Territory Ombudsman

A report to the Legislative Assembly pursuant to  
section 26(6) of the *Ombudsman (Northern Territory) Act*

**DEPARTMENT OF JUSTICE  
NT CORRECTIONAL SERVICES**

**TELEPHONE MONITORING EQUIPMENT**

**Concerns arising from an investigation into the  
alleged misuse of telephone monitoring equipment at  
Alice Springs Correctional Centre**

June 2002

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## Foreword

The Department of Justice provides a coordinated 'Whole of Government' approach to justice from policy development and citizens' rights to rehabilitation of convicted offenders. All elements of the justice system except policing are within this agency. The Department of Justice incorporates the Attorney-Generals, Courts Administration, Public Prosecutions, Consumer & Business Affairs, Anti Discrimination Commission, Office of Crime Prevention and Correctional Services.

The Northern Territory Correctional Services ('Corrections') mission statement, as highlighted in its 2000/2001 annual report, is to provide community protection by administering without favour an order of a Court, the Parole Board or other lawful authority in a humane manner while aiming to reduce repeat offending. Corrections further states in its annual report that it values:

- Our community, its diversity and laws;
- Employee satisfaction and development;
- Fairness and Individual Human Rights;
- Honesty and Integrity;
- Standards of Excellence.

Correctional employees are located throughout the Northern Territory with the largest proportion being located in Alice Springs and Darwin. The Correctional facilities currently in operation include the two adult centres being the Darwin Correctional Centre and the Alice Springs Correctional Centre (ASCC).

The ASCC, which is the subject of my report has been in operation since 1996 and is situated approximately 25 kilometres south of Alice Springs on the Stuart Highway. As stated in Corrections annual report, ASCC is the Northern Territory's principal maximum security facility and can accommodate up to 316 prisoners within the main centre complex whilst a further 84 prisoners can be accommodated in the low security cottages outside the main complex. To provide safe, secure custody, offender care and rehabilitation, Corrections states within its annual report that the ASCC has a budgeted number of 150 custodial employee positions and 7 non custodial employee positions.

Also stated within the annual report, Corrections values amongst other things, employee satisfaction, fairness, honesty, integrity and standards of excellence and it is the veracity and honouring of these values that, due to this investigation, I have become increasingly concerned about. My concern has arisen from an investigation into a complaint I received regarding the alleged mis-use of a telephone monitoring system at ASCC. The issues arising from my investigation lead me to question how my findings and resultant recommendations and the response by Corrections to those recommendations impact on the stated values of Corrections.

The law governing how the Ombudsman works prevents my office from making my investigations and findings public except by way of annual reports to the Legislative Assembly or, as in this case, pursuant to section 26(6) of the *Ombudsman (Northern Territory) Act* I may prepare and furnish a report to the Minister and the Minister shall

cause such report to be laid before the Legislative Assembly within 3 sitting days after its receipt by him. By making this report, I am able to provide information to the Legislative Assembly and the public which will assist to highlight my genuine concern about the way Corrections has dealt with the issues raised by this investigation and the Agency's response to my recommendations.

I would observe that the circumstances giving rise to my investigation arose some 4 years ago and many of the individuals allegedly involved are no longer with the Agency. In particular I note that the Commissioner, the Deputy Commissioner and the Superintendent for ASCC at the relevant time, are no longer the same as those currently occupying these positions. My investigation must be considered in this light, with my principle focus being on the administrative actions of the Agency as an entity.

## Background

In June 1998 I received a number of complaints through my Alice Springs Office from several ASCC prison officers. The complainants alleged that the ASCC had used a telephone monitoring system to monitor and record incoming and outgoing calls inappropriately.

On 2 July 1998 I determined to commence an own motion investigation pursuant to section 16(1) of the *Ombudsman (Northern Territory) Act* into the following matters:

- **Complaint A**

The circumstances surrounding the purchase and installation of the telephone monitoring equipment used at the ASCC and whether the monitoring system was being used in accordance with relevant legislation, namely the *Commonwealth Telecommunications Interception) Act 1979*.

Further, the adequacy of protocols and guidelines within the ASCC as to the use of the telephone monitoring system and the manner in which the information obtained through the use of the system was accessed, particularly who authorised such access, in what circumstances was such access authorised and the existence of appropriate auditable documents detailing the instances of access.

- **Complaint B**

Allegations in respect to the monitoring of incoming and outgoing telephone calls at the ASCC, in particular as to whether:

- (i) telephone conversations between prison officers were being monitored and recorded on tape and whether the tapes of such conversations were being transcribed and used for inappropriate purposes;
- (ii) tapes of recorded telephone conversations between prison officers regarding industrial relation matters pertaining to the ASCC were provided to the then Minister for Correctional Services, the Hon. Eric Poole, MLA;
- (iii) telephone conversations between prisoners and their legal advisers were being monitored without the knowledge of the parties involved.

I subsequently deferred any action on the own motion investigation on being advised that the Commissioner for Northern Territory Correctional Services ('the Commissioner') had commenced an internal investigation, and awaited the outcome of that investigation.

On 27 October 1998 I received from the Commissioner a copy of the internal investigation report and relevant documentation concerning the same. The report concluded that there was no evidence of illegal or improper access of the telephone monitoring system by ASCC personnel. The internal investigation did, however, identify a number of deficiencies with respect to procedures governing the use of the

system and made a number of recommendations. In addition, a legal opinion provided to the Commissioner by the Attorney-General's Department identified problems with regard to the manner in which the system was being utilised as against the requirements of the *Telecommunications (Interception) Act 1979*. As a result of this advice the Commissioner, quite rightly in my view, directed that the system be switched off and remain so until further notice.

Whilst considering the information provided by the Commissioner, I was again approached by a prison officer who had previously complained to me. The prison officer maintained that there was a misuse of the telephone monitoring system at ASCC and further complained that other prison officers had not been interviewed during the Corrections internal investigation. The prison officer further alleged that there had been transcribing of tapes involving conversations between prison officers.

Following on from the information provided by the prison officer, on 5 March 1999 a former employee at the ASCC was interviewed by my office and, contrary to the findings of the internal investigation, gave evidence to the effect that several telephone conversations between prison officers had been recorded and transcribed.

On this basis, and given concerns I had generally with the adequacy and outcomes of the internal investigation, on 23 March 1999, I commenced a formal own motion investigation in regard to the matter of complaint set out earlier.

In the course of the own motion investigation I reviewed all relevant documentation relating to the internal investigation, visited the ASCC and viewed the telephone monitoring system, interviewed witnesses on oath and examined relevant legislation and other material relevant to the investigation.

At the conclusion of my investigation, I drafted an investigation report outlining my findings and recommendations. I provided the Commissioner a copy of the draft report on 11 August 2000 for his comment.

After a delay, during which the Commissioner sought legal advice from the Attorney General's Department, I received a final response to my draft report from the Commissioner on 1 March 2001.

Due to a number of issues raised in the Commissioner's response I sought to obtain legal advice from a Senior Barrister, which again caused considerable delay with final advice not being received until 27 November 2001. This delay was further exacerbated by a high level workload within my Office resulting in the delayed presentation of this report.

### **Commissioner's Response to the Draft Report**

In the main, the Commissioner's comments were directed to the basis for my investigation and the manner in which it was carried out. I note that when I advised the Commissioner, on 23 March 1999, as to my intention to proceed with my own motion investigation he did not raise any such concerns and, indeed, as I understand his position, he indicated his willingness to co-operate with the process. I will briefly comment on several issues raised by the Commissioner in this regard.

In the Commissioner's response to my draft report, he appears to suggest that because he took action to shut down the telephone monitoring system at the ASCC after receipt of my initial correspondence, that there was thereafter no administrative action for me to investigate. The Commissioner asserts that my draft report is only of 'historical value' and that:

*It is not helpful – in fact it is counterproductive – to provide your views, where you can, of the 'facts' which occurred some years ago in circumstances (telephone monitoring) which no longer exist, and which involved some persons now deceased or no longer employed by the Department.*

I sought legal advice from Senior Counsel on the Commissioner's comments and hereunder is an extract of that advice:

*Notwithstanding these views, the Commissioner does note in his letter (at page 2) that "we have no issues that there was a lack of procedural guidelines, and that the system should remain inoperative unless and until appropriate safeguards are in place" (my underlining). The appropriate safeguards the Commissioner is anticipating is an essential element of your draft report. The Commissioner therefore appears to be taking the contradictory position of criticizing your report as being merely "historical value" and yet acknowledging that appropriate safeguards for the use of telephone monitoring systems have to be developed.*

*In one sense every investigation process is "historical" – it considers past facts and events and comes to conclusions based thereon. The Act establishes a system whereby the Ombudsman investigates a complaint properly made to him, or conducts his own motion investigation (as you did in this case) about an administrative action taken (in the past) by a department or authority. The Ombudsman then reports to the Chief Executive Officer of the department or authority concerned (and others) if the complaint is found to be valid. The Legislature obviously saw value in such a system whether or not the investigation process was directed to past (or "historical") matters. For these reasons, I do not believe that the Commissioner's criticisms about the alleged mere "historical" value of your draft report are accurate or valid.*

The Commissioner, in his response, further stated that, 'As to the legal position, I do not agree with the suggestion that the system at ASCC was "unlawful" or "illegal". The Commissioner does not appear to dispute that I am entitled to form a view on a question of law but argues that the legal position in relation to the use of telephone monitoring systems in Australia is so uncertain that I should not make such findings about the use of the telephone monitoring system at ASCC. The Commissioner referred to a decision of *R v Evans and Doyle* and some commentary in the Privacy Law and Policy Reporter in support of his view. Hereunder is an excerpt of the legal advice I received on this issue and with which I concur.

*In my opinion, the Commissioner's argument that you should not have made findings in your draft report about whether the use of the telephone monitoring system at the ASCC appears to have been contrary to law, because the legal*

*position in relation to the use of such telephone monitoring systems is uncertain, is not valid. The legal position in relation to the interception of telephone conversations is clearly expressed in the Telecommunications (Interception) Act (Cwth). The construction of that Act by the courts may point to various situations where the Act does, or does not apply. But that does not, in my opinion, make the legal position uncertain. If the Commissioner's approach were to be adopted in relation to the application of legislation like the Telecommunications (Interception) Act (Cwth), or indeed any legislation, the rule of law would collapse under a burden of alleged uncertainty. Most legislation is subject to scrutiny and construction by the courts from time to time. That does not mean that legislation duly enacted by the legislature does not have the full force and effect in the meantime. One only need to ponder the dire consequences of such an approach for the operation of criminal laws, to realise the absurdity of it.*

The Commissioner, in his response, indicated that *'there can be no useful purpose in my providing my views of the evidence you have accumulated, or the weight you have given to evidence, or inferences or conclusions you have drawn'*. He states he would have needed access to all my files, investigative documents and other relevant material and noted I had *'...not seen fit to offer me full access to all material you have considered and which has influenced your view, and I do not expect you would'*.

The Commissioner then states:

*There is an obvious denial of procedural fairness and natural justice to the Department by provision of only selected quotations and references to evidence in your report, all of which have not been subject to a fair opportunity for me or this Department to test the reliability, motivation and significance of the evidence.*

With respect to the Commissioner, this criticism is unfounded and demonstrates a fundamental lack of understanding and appreciation of the statutory role and function of the Ombudsman. I would note that the Commissioner was given the opportunity to conduct an internal investigation in regard to the matter and thus he had an opportunity to be fully informed as to the extent of any information or evidence available on the issues. The internal investigation did not, in my view, resolve the issues of complaint and hence my decision to conduct an own motion investigation.

I am required by *the Act* to give written notice of investigations to the Commissioner and others (section 19(1)), to conduct the investigation in private (section 19(2)) and I may conduct such investigations in such manner as I think fit (section 19(3)). The Commissioner was given written notice and the investigation was conducted in private. I am also required, prior to making a report adverse to the Department, to provide the Commissioner with an opportunity to comment on the subject matter of the investigation before making the report (section 19(4) and section 26(7)).

The Commissioner was, during the course of the investigation, given an opportunity to address the issues under investigation and to respond to key aspects being considered. In addition, the Commissioner was given a copy of my draft report to comment on. I subsequently met with the Commissioner and indicated my



willingness to discuss and consider any aspects of the report with him. The Commissioner subsequently informed me he was taking legal advice on the matter.

The draft report was forwarded to the Commissioner on 11 August 2000. I did not receive his written comments until 1 March 2001, some 7 months later. Despite several informal discussions with the Commissioner and his legal representatives on the report, and the need for a response, I was not asked whether I would provide any additional information so as to enable a response to be provided. Since no request was made, I cannot understand the Commissioner's stance as set out in his response on this aspect.

I have complied with the statutory requirements of the Act. In accordance with the legal advice I have received, I am not obliged to afford the Commissioner any further right to comment on my draft report, nor to afford him any other role in the investigation.

In particular, I do not believe the requirements to provide any opportunity to comment on the subject matter of the report or any adverse comments means I must provide the Commissioner with an opportunity to consider all the materials that I have relied on to prepare my draft report.

Indeed, in my view, such an approach would effectively allow the department, the subject of an investigation, to supervise that investigation. Legal advice I received is to the effect that such an approach is not required by any of the principles of procedural fairness outlined by the High Court in recent years.

For these reasons I do not consider there is any substance to the criticisms raised by the Commissioner nor do I consider there is any basis for me to accede to any request by the Commissioner to access the investigative material.

## **The Investigation**

I must reiterate at this point that circumstances giving rise to this investigation arose some 4 years ago and many of the individuals allegedly involved are no longer with Corrections.

My investigation found that, in August 1996 a telephone monitoring system was installed at the ASCC. This system had the capacity to monitor and record any incoming or outgoing telephone calls relating to the ASCC.

Prior to installation of the system, a request was made to the Australian Telecommunications Authority (AUSTEL) for an exemption in regard to not having to transmit a warning pip tone across the telephone line notifying the caller that their voice is being recorded. On 6 December 1993 AUSTEL granted a special exemption in regard to the ASCC on the basis that it would assist with telephone calls of extortion, escape and other similar incidences. AUSTEL further advised that the special exemption was not a general exemption for voice recording.

On 4 December 1995, NT Treasury NCOM Services was advised in writing by AUSTEL that the exemption not to use the warning pip tone was in fact limited to

complying with AUSTEL technical standards with respect to the equipment being used and its suitability for its connection to the network. AUSTEL further advised that the provisions of the *Telecommunications (Interception) Act 1979* needed to be specifically considered in regard to the use of the telephone monitoring system and recommended that legal advice be sought as to whether the use of the telephone monitoring system would be appropriate in terms of that Act.

No such legal advice was obtained by Corrections prior to the installation of the system, nor subsequently, once ASCC had commenced use of the telephone monitoring system.

Significantly, no Commissioner's Directives nor Guidelines were prepared relating to the circumstances in which the telephone monitoring system was able to be utilised in terms of accessing information obtained by the system.

It is my view that the failure by the agency to consider fundamental issues with regard to the use of the system and establishing appropriate protocols and guidelines for its use have attributed to a situation where, over time, information has been accessed from the system in circumstances where such access may have occurred contrary to law.

My investigation identified a number of occasions where the telephone monitoring system appears to have been used contrary to law, these being the monitoring of calls:

- (i) made by prison officers so as to identify improper use of STD facilities by prison officers;
- (ii) made by prison officers so as to identify parties involved in the making of alleged harassing or threatening calls to other prison officers and their families (such concerns being of a personal nature and not directly related to any issue of good order and security of the ASCC);
- (iii) between the then Superintendent and prison officers in regard to matters relating to the management of the ASCC so as to provide the then Superintendent with an aide memoir;
- (iv) between prison officers, the subject matter of which concerned industrial issues within the ASCC and involved criticism of the then Minister,
- (v) between prison officers, the subject matter of which concerned industrial relation matters, further, on one occasion a tape of these recorded calls was then obtained and referred to the then Deputy Commissioner.

These occasions, in my view, confirm use of the telephone monitoring system in a manner that appears to have been taken contrary to law. The lack of auditable documentation and appropriate procedures and guidelines with respect to the use of the telephone monitoring system has made it impossible to fully examine the circumstances of any specific instances of use contrary to law, and thus identify the parties involved, such as to make a specific finding in regard to the same.

I am, however, satisfied that there have been occasions when information has been obtained from the telephone monitoring system contrary to law. The use of the system in this manner has been possible due to a lack of auditable documentation and lack of appropriate procedures and guidelines. In this regard it is also difficult to refute the perception formed by prison officers, as evidenced by the complaints made to me, that prison management was utilising the telephone monitoring system in order to monitor their conversations and obtain information concerning matters of an industrial nature.

## **Investigation Findings**

### **Complaint A**

1. In regard to Complaint A, it is my view that the administrative action taken in terms of the selection and installation of the telephone monitoring system for the ASCC and the failure to seek appropriate legal advice as to the relevance of the *Telecommunications (Interception) Act 1979* in regard to the use of such a system, in the context of clear advice by AUSTEL to do so, was both unreasonable and wrong pursuant to section 26(1)(b) and (g) of the Act.
2. Further, the administrative action taken by the Agency in not establishing protocols and guidelines with reference to the use of the telephone monitoring system was unreasonable pursuant to section 26(1)(b) of the Act and subsequently contributed to the use of the system which appears to have been contrary to law as pursuant to section 26(1)(a) of the Act.

### **Complaint B**

1. In regard to Complaint B, it is my view that this complaint has been substantiated and I am of the opinion that there was administrative action which was taken that was both unreasonable and appears to have been taken contrary to law pursuant to section (1)(a) and (b) of the Act.

## **Recommendations in my Report**

In my report to the Commissioner, I expressed that I am of the opinion that a number of Correction's practices in accordance with which administrative action was taken should be varied and pursuant to section 26(2) of the Act, I made the following recommendations.

1. The current telephone monitoring system installed at ASCC should be disposed of as it is inappropriate for use in a prison environment.
2. Appropriate policy must be established with respect to the use of telephone monitoring systems within Corrections. Appropriate legal advice must be obtained with respect to the operation of the *Telecommunications (Interception) Act 1979* so as to ensure that any telephone monitoring system utilised does not infringe that legislation.

3. There must be a clear understanding as to what constitutes an appropriate use of the telephone monitoring system in order to give effect to the Commissioner's responsibility of ensuring the good order and security of prisons and the role of the Northern Territory Police with respect to the investigation of criminal offences. Wherever possible, Corrections should abstain from establishing systems which are ultimately designed for the detection of criminal offences rather than ensuring good order and security of a prison. Proper regard must be had to the legal rights of prison officers and the legal responsibilities of the agency in terms of utilising such options. The same applies with respect to prisoners.
4. I am aware that Corrections are currently examining whether or not an ARUNTA styled telephone system is appropriate for use in the Northern Territory context. I would strongly support this initiative, or one similar, in terms of establishing an appropriate telephone system for use by prisoners in the Northern Territory.
5. It was recommended that the Commissioner acknowledge publicly that there has been a failure on the part of the agency to appropriately install and utilise the telephone monitoring system at the ASCC. This acknowledgment should recognise that, at the time of installing the system, there was a failure to adequately consider the legal obligations applying to the use of such a system and a failure to establish appropriate policy, protocols and procedures with respect to the use. Additionally, there was a failure by the Agency to instigate appropriate training by its officers as to the appropriate basis for using the system. As a consequence, it must be acknowledged that there has been a failure on the part of the Agency to properly control the use of the system and to provide guidance to individual prison officers in regard to the same. It should also be acknowledged by the agency that there has been occasions when the system has not been appropriately utilised and has been open to abuse.

By way of explanation, it should also be acknowledged that the extent to which the system has been misused cannot be appropriately or properly established due to the lack of auditable documentation which, in itself, is a significant failure on the part of the Agency. No individual prison officer can be said to have deliberately acted inappropriately with regard to the use of the system. Any inappropriate use has arisen due to the failure of the agency to give proper guidance and direction and obtain proper advice in regard to the use of the system.

I finally recommended that a general apology be issued to all prison officers in regard to the circumstances occurring.

6. Should my recommendation not to further utilise the current telephone monitoring system at ASCC be rejected then I would further recommend that very stringent protocols are established with respect to the use of the same. In particular, there must be installed, within the system, a message to the effect that any person ringing out or in to the prison is clearly informed of the fact that their calls are being monitored and recorded. Specific protocols will need to be put in place so as to ensure that conversations between prisoners and their legal representatives are not so monitored or recorded and, in any other circumstances where it is

inappropriate for such recording or monitoring to occur. This will need to be given specific consideration.

Appropriate signage will need to be placed within the ASCC to ensure that all persons utilising the telephone system are aware of the fact that their calls could be monitored and recorded.

In regard to the calls being made by other government agencies, this is an area in which it was not generally understood was capable of being monitored and recorded and specific steps should be taken to address the same.

Very stringent protocols and guidelines need to be established with respect to who can authorise access to information obtained by the telephone monitoring system. Auditable documentation should be mandated and the audit trail should ensure that access can only be obtained for purposes directly related to a clearly enunciated policy in regard to the use of such information.

Any information extracted from the system will need to be recorded and an audit trail established with respect to its use and by whom such information is retained. It is not appropriate that once extracted from the system there is no ability to check as to whether the information has been properly utilised and held securely. Random audits, both as to compliance with the procedures and the physical security of information accessed from the system, should be an integral part of any such telephone monitoring system.

Any prison officer or employee of the Agency will need to be properly trained and such training mandated before any individual can have access to, or authorise access to, the system.

7. Finally, the Commissioner should immediately review any policy with respect to the monitoring of telephone calls in any other Correctional Centre to ensure that there is a consistent approach in regard to the same and that relevant policy is appropriately set and documented in regard to the use of such telephone monitoring systems and the use of information obtained from them.

## **Commissioner's Response to the Recommendations**

The Commissioner's responded to my recommendations for improving administrative practice on 22 April 2002 and I have set out his comments against each of my recommendations below.

### Recommendation 1

*The system is shut down. There is no reason to dispose of the system for the reasons previously mentioned.*

### Recommendation 2

*I agree with your recommendations, but see no reason to develop a policy or seek further legal advice unless or until there is an initiative to implement a system.*

Recommendation 3

*Again, this recommendation has no current relevance. I refer to and rely upon my earlier comments. I do not accept your proposition that there can never be an overlap or linkage between police investigations and maintenance of prison security.*

Recommendation 4

*The Department is currently considering installation of the Optus version of the (Telstra) Arunta system. I welcome your support*

Recommendation 5

*I see absolutely no reason to make a public 'apology' in respect of events of some four years ago, which cannot be repeated and which have not been substantiated to the extent that I could take any remedial action whatsoever.*

*I used strong words in my letter of 13 February 2001 (which I would temper today), but I remain disappointed that you would make such a recommendation.*

*After the lengthy passage of time while your report has been under preparation, the public would not make the connection necessary for them to make sense of such a statement.*

*It would, obviously, damage the reputation of the Department, and cause the public to lose confidence in the ability of this Department to perform its functions. It would not reflect the current, competent performance of well-trained professional officers in this field of public service.*

*I can see no benefit to this recommendation, and I decline it for the reasons given now and a year ago.*

*I maintain the view that your processes should remain confidential so as to encourage full cooperation by government agencies, and ready acceptance by them of mistakes, failures or shortcomings in their administrative processes which you help them to identify through constructive recommendations. I do not consider that requiring government agencies to 'go public' if there are errors identified in their processes to be compatible with that process.*

Recommendation 6

*This detailed recommendation has no current relevance as the system is shut down, has been since October 1998 and will be for the foreseeable future.*

*However, I will note your recommendations in the event that the issue is considered in the future.*

Recommendation 7

*The current policy is that telephone monitoring does not occur. That policy does not need review.*

*I agree with the general proposition that there should be a consistent approach to the issue across the correctional system, if a different policy is considered, although that would not rule out different systems appropriate to different institutions and circumstances.*

## Conclusion

At the time of writing this report I am informed that the Agency is well advanced in implementing a new telephone monitoring system similar to that recommended in recommendation 4. I am pleased with this development and look forward to seeing the relevant guidelines and procedures for its use.

With regard to the remaining recommendations, whilst I appreciate the Commissioner's comments, I do not agree with the rationale behind them. I would encourage the Commissioner to reconsider the recommendations that he does not agree with, in particular my fifth recommendation being that the Commissioner publicly acknowledges that there has been a failure on the part of the agency to appropriately install and utilise the telephone monitoring system at ASCC. Further that a general apology is issued to all prison officers in regard to the circumstances occurring.

Contrary to the Commissioner's response to this recommendation, I am not of the opinion that '*...the public would not make the connection necessary for them to make sense of such a statement.*'

I am of the strong belief that Corrections must demonstrate a willingness to both its employees and the public generally to acknowledge that it failed to take appropriate administrative actions. Corrections must advise its employees and the public of the actions it has now taken to ensure a similar situation does not recur if as stated within the annual report, Corrections values employee satisfaction, fairness, honesty, integrity and standards of excellence.

As a final comment, I would observe that the lessons to be learned from this case should not be confined to Corrections. The use of monitoring and surveillance equipment, whether for telephones, video or other is increasing in various environments. Any Agency using or contemplating the use of such devices must ensure that they have complied with all legal requirements as to such use and have established auditable guidelines and procedures relating to the use of such devices. This is particularly relevant in the light of pending legislation pertaining to privacy.

PETER A BOYCE  
Ombudsman