

Department of Corrections required to state reasons for security classification

Legislation	Ombudsmen Act 1975
Ombudsman	Anand Satyanand
Case number(s)	A10299
Date	2003

Prison inmate complained that his security classification had been unreasonably assessed and Ombudsman concluded the Department failed to provide ‘strong reasons’ (which must be stated)—Ombudsman found the Prison officers had based their classification on uncorroborated, unrecorded, verbal statement made by another inmate—Ombudsman upheld complaint based on inequitable situation that would result if prison relied solely on this information, however, the inmate released before any recommendation could be made

A prison inmate completed a security review and was advised that he had been classified as low medium. The inmate complained that this was unreasonable. In particular, he disputed the points allocation that formed part of the review which the prison said retained his security rating at low medium. Further, no ‘strong reasons’ were given for classifying him at that level.

The Ombudsman investigated the complaint, asking the Department to advise the ‘strong reasons’ for rating the complainant as low medium and to provide copies of any relevant documentation which would support this classification.

The Department advised that, after reviewing the prison’s security review, it agreed with the inmate that the number of points he had been allocated was incorrect and his preliminary security rating should have been amended to minimum.

However, the Department also advised that the Superintendent believed the preliminary rating should be set aside on the basis of a witnessed verbal statement it had received from another inmate about the complainant. The Department advised that while the information had not

been substantiated, it had relied on it when making the decision to set aside the complainant's preliminary security classification.

The Ombudsman also reviewed the Department's procedures regarding security classifications.

Given that the comments made by the other inmate were unsubstantiated and unrecorded, it was the Ombudsman's view that the complainant's latest security classification had been unfairly assessed. The Department's procedures require that reasons be given when decisions are made on an inmate's security classification. The Ombudsman considered it reasonable for an inmate to expect that any reasons relied upon by the Department would be able to be substantiated. An inequitable situation could otherwise arise if information provided by another inmate who may have had something to gain from making such a statement is relied upon, particularly when the higher security rating could have had implications at the inmate's parole board hearing and affect his chances of being granted day and home leave.

The Department advised that the complainant had been released before the Ombudsman formed his view. As a result, the Ombudsman did not make any specific recommendation in this case.

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