

## INSPECTION SUMMARY

# The permanent installation of listening devices in prisons and their use by Victoria Police

## Background

One of the several functions Integrity Oversight Victoria has is to determine if the integrity bodies we oversee, including Victoria Police, are complying with the *Surveillance Devices Act 1999* (SD Act).

We conduct a regular onsite inspection of records using set criteria and report our findings to parliament every 6 months. We can also conduct ‘irregular inspections’ at any time if we have compliance concerns connected with the use of a covert power.

In March 2023, we found out about a review of surveillance devices in Tasmanian prisons which led us to ask about the installation and use of similar devices in Victorian prisons. Later, it was revealed Victoria Police had permanently installed at least 115 listening devices in Victorian prisons without the authority of a warrant.

After engaging extensively with Victoria Police, we decided to conduct an irregular inspection.

## What we did

Integrity Oversight Victoria carried out an irregular inspection under the SD Act examining records and warrant applications relating to listening devices installed in Victorian prisons.

Specifically, we reviewed 99 surveillance device warrants issued between 2008 and 2024, focusing on what Victoria Police told judges and the Public Interest Monitor when it applied for surveillance device warrants. We were looking at whether Victoria Police was transparent when it described how listening devices were installed, activated, removed and/or deactivated.

We also assessed Victoria Police’s internal policies and record-keeping practices to understand how these supported transparency and effective oversight.

# What we found

We found at least 115 listening devices were *permanently installed* in prisons without authority of a warrant -- most were embedded during construction or renovation works.

Victoria Police did not disclose the existing presence of listening devices to the judge or the Public Interest Monitor when applying for warrants. Most applications were for the 'installation and use' of listening devices. In practice, the devices were mostly activated or de-activated and installation and retrieval of a device never occurred.

While we found no evidence of unauthorised use, records could *not conclusively confirm* whether activation and deactivation of devices complied with warrants. Victoria Police did not have detailed information about when the permanent listening devices were activated or de-activated.

Integrity Oversight Victoria made 8 recommendations which Victoria Police accepted. These included improving transparency, record-keeping, reporting to judicial authorities, and policy reform.

Victoria Police advised it has ceased use of these devices and committed to a disclosure process for prosecutions that may have relied on data from them.

# Why it matters

**Privacy intrusion:** Permanent listening devices in prisons represent an intrusion on individuals' privacy. Such surveillance must be strictly controlled, authorised, and transparently reported to maintain public trust.

**Judicial oversight compromised:** By not disclosing the permanent nature of devices, Victoria Police was not fully transparent to judges or the PIM.

**Potential legal consequences:** Devices installed without authority of a warrant -- even when a valid warrant is in place for their use -- raises questions about the admissibility of evidence, or whether past prosecutions should be re-examined.

# Recommendations

## Recommendation 1

To address the lack of transparency with judges who issued these warrants, we recommend Victoria Police disclose to the Chief Justice of the Supreme Court of Victoria that the affidavits made in support of 88 warrants omitted reference to the existence of, and the intention to use, listening devices previously installed without the authority of a warrant.

*Accepted*

## Recommendation 2

2.1 To achieve a better balance between transparency and protection of operational methodology, we recommend where it intends to use surveillance devices that do not rely on

traditional installation methods, Victoria Police explore means to more transparently describe its methodologies with the judge or magistrate and the PIM when it makes surveillance device applications. This includes how the installation or activation of a surveillance device is described where a warrant is extended.

2.2 Victoria Police should consider the level of information sharing between the Technical Surveillance Unit, investigators and the Affidavit Preparation Section so they are apprised of appropriate details relevant to making an application for a surveillance device warrant, or its extension. Victoria Police should report to IOV by 30 January 2026 on its proposal.

*Accepted*

### **Recommendation 3**

Victoria Police, in consultation with the PIM, develop standardised wording in its applications for surveillance devices on the steps it will take with respect to legal professional privilege (particularly where there is a risk of such privileged discussions being captured).

*Accepted*

### **Recommendation 4**

Victoria Police to revise its process for recording the specific activities undertaken to install, activate, maintain, deactivate and retrieve a surveillance device. Its records and processes should aim to provide a high level of confidence to inspections/oversight bodies on the actual activities undertaken in executing the surveillance device warrant.

These records should also aim to provide reliable and authoritative information for officers who are required to complete section 30K reports made to judges or magistrates.

As part of this, training and guidance should be provided on the expected levels of detail and the sources which are to be relied upon in preparing these reports.

*Accepted*

### **Recommendation 5**

To provide transparency to the judge or magistrate, and enable effective oversight of their use of surveillance devices, Victoria Police revise its process for section 30K reporting to be clear on the nature of any installation and activation of a surveillance device, and to accurately report on the date and time a device was activated where the use of the device is restricted.

This approach should apply more broadly than solely on the use of surveillance devices in prisons: active consideration should be given to ensuring the section 30K reports provide an accurate picture of the use of surveillance devices under any warrant.

*Accepted*

### **Recommendation 6**

Victoria Police to review its record-keeping process for surveillance devices so it keeps verifiable records that demonstrate the installation, activation, and deactivation of a surveillance device is consistent with the authority of a warrant.

For prisons, Victoria Police should also keep records to correlate the presence of the target and other specified persons with the activation of surveillance devices.

Victoria Police should report to IOV with a proposal that satisfies this recommendation by 30 January 2026.

*Accepted*

#### **Recommendation 7**

Victoria Police to revise its surveillance device policies and procedures to account for the specific processes recommended in this report.

*Accepted*

#### **Recommendation 8**

Where Victoria Police proposes or intends to use a new capability under the authority of the SD Act, that it proactively discloses this to IOV and considers providing any supporting legal advice.

Where relevant, similar disclosure processes should occur for the Courts and the PIM.

*Accepted*

**To download a copy of the full report, go to:**

[Permanent-installation-of-listening-devices-in-prisons-and-their-use-by-Victoria-Police.pdf](#)