

DEPARTMENT OF JUSTICE AND ATTORNEY-GENERAL
MEMORANDUM



TO: [REDACTED]

FROM: [REDACTED]

SUBJECT: [REDACTED]

DATE: 3 August 2017

PURPOSE

To brief you on inquiries undertaken in relation to the alleged unauthorised access of 'confidential information' stored in the Integrated Offender Management System (IOMS) by Custodial Correctional Officer (CCO) [REDACTED] of Woodford Correctional Centre (Woodford).

BACKGROUND

On 24 May 2017, [REDACTED] complained to the department, alleging that CCO [REDACTED] had accessed confidential information on the IOMS data base relating to her son [REDACTED] who is a prisoner in Brisbane Correctional Centre (BCC). [REDACTED] alleged CCO [REDACTED] then disclosed the information he had obtained, to her daughter [REDACTED] who lives in Melbourne.

[REDACTED] alleged the type of information disclosed by CCO [REDACTED], included the types of charges her son was facing and his upcoming court dates. She also stated [REDACTED]

[REDACTED] that her daughter [REDACTED] has been estranged from the rest of the [REDACTED] family for a number of years, and would have had no reason to obtain the information from CCO [REDACTED] except to disrupt the family harmony and dynamic.

On 5 June 2017, the matter was referred by the ESU to the Crime and Corruption Commission (CCC) as the ESU had assessed the complaint as providing an allegation that if proven, would amount to Corrupt Conduct as defined in the *Crime and Corruption Act 2001*.

The CCC subsequently referred the matter to the Ethical Standards Unit (ESU) by way of a Matters Assessed Report (MAR) [REDACTED] and the CCC further determined the matters were appropriate for the ESU to deal with.

The matter was also assessed by the ESU as not involving a Public Interest Disclosure under the *Public Interest Disclosure Act 2010*.

ISSUES

The CCC distilled two allegation from the complaint information. The two allegations relate to the alleged unauthorised 'access' and the subsequent unauthorised 'disclosure' of 'confidential information' as defined in section 341 of the *Corrective Services Act 2006*, obtained by CCO [REDACTED] from the IOMS data base.

Allegation 1

It is alleged that on [REDACTED] and again on [REDACTED], without authority, CCO [REDACTED] of Woodford Correctional Centre, accessed confidential information concerning prisoner [REDACTED] of Brisbane Correctional Centre, from the Integrated Offender Management System, contrary to the conditions of his approved system access.

Allegation 2

It is alleged that on a date subsequent to [REDACTED], without authority, CCO [REDACTED] of Woodford Correctional Centre, disclosed confidential information concerning prisoner [REDACTED] of Brisbane Correctional Centre that he had obtained from the Integrated Offender Management System, contrary to the conditions of his approved system access.

A desktop review of immediately available evidence was undertaken into the allegation by the ESU, and the results follow:

1. Letter of complaint from [REDACTED] dated [REDACTED]
 - 1.1 The content of [REDACTED] complaint has been largely canvased in the background section of this Memo (**Attachment 1**).
 - 1.2 [REDACTED] claimed that one of her daughters [REDACTED] had spoken to her estranged daughter [REDACTED] on [REDACTED].
 - 1.3 [REDACTED] alleged that on that date, [REDACTED] told her sister [REDACTED] all about their brother's (prisoner [REDACTED]) upcoming court matters, and that [REDACTED] also allegedly informed her sister [REDACTED] that she had been given the information by CCO [REDACTED].
2. Integrated Offender Management System (IOMS) documentation.
 - 2.1 On 2 June 2017 the ESU made a request of the department's Offender Information Systems, Operational Support Services to interrogate the IOMS data base to determine if CCO [REDACTED] had in fact accessed information concerning Prisoner [REDACTED] on IOMS as had been alleged.
 - 2.1 A report was produced by that unit the same day, which confirmed that CCO [REDACTED] had accessed records stored within IOMS concerning Prisoner [REDACTED] on [REDACTED] and again on [REDACTED] (**Attachment 2**).

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2.2 The types of records accessed by CCO [REDACTED] included Prisoner [REDACTED] orders and offences, his case file notes and all file attachments. Such information would have included the type of confidential information that CCO [REDACTED] allegedly provided to [REDACTED]

3 Explanation provided by CCO [REDACTED]

3.1 CCO [REDACTED] was subsequently written to, and both allegations were outlined to him. He was also provided with a copy of the type of records he accessed on IOMS (Attachment 3).

3.2 CCO [REDACTED] was directed to provide a report with a full, detailed and honest account of his knowledge and participation in accessing the IOMS records of Prisoner [REDACTED], covering such issues as his reasons for accessing sensitive and personal information of a prisoner in another Correctional Centre, who was reportedly related to him by marriage, and whether or not CCO [REDACTED] had sought or obtained prior approval to do so, and if so, from whom.

3.3 CCO [REDACTED] replied to the ESU on [REDACTED] (Attachment 4). In his reply, CCO [REDACTED] claimed he had received information (but did not disclose who he had received the information from) that [REDACTED] (namely Prisoner [REDACTED] and [REDACTED] had *'possibly been incarcerated at BCC and potentially would be at some point transferred to Woodford'*).

3.4 CCO [REDACTED] admitted to accessing IOMS on [REDACTED] for the 'personal' reason of confirming whether or not the information he had received (from the unidentified person) was *'correct'*. He claimed that upon becoming aware (from accessing IOMS) that Prisoner [REDACTED] was in fact incarcerated at BCC, he also wanted to ascertain the chances of Prisoner [REDACTED] being ultimately transferred to Woodford.

3.5 CCO [REDACTED] claimed that during his IOMS access on [REDACTED] he saw that Prisoner [REDACTED] had been remanded to appear again in Court in the near future, and he *'thought it prudent'* to again check IOMS (after the upcoming remand date) to see whether or not Prisoner [REDACTED] would be staying as a remand prisoner at BCC or whether he would have been sentenced and therefore at a higher possibility of being transferred to Woodford (hence the second IOMS access on [REDACTED]

3.6 CCO [REDACTED] claimed that if he had ascertained the prisoner was going to be transferred to Woodford, it was his intention to contact the Woodford Intelligence Unit to discuss any further issues regarding the prisoner being accommodated at Woodford.

4 **Response to CCO [REDACTED] claims by BCC Sentence Management.**

4.1 On 13 July 2017, the Manager of Sentence Management (MSM) at BCC was contacted by the ESU, and asked to respond to the assertions made by CCO [REDACTED] in his reply to the ESU.

4.2 In that email, the MSM was provided with the information contained in the IOMS audit, including the dates that CCO [REDACTED] had accessed IOMS in relation to Prisoner [REDACTED] and the types of information CCO [REDACTED] accessed on each date.

4.3 The MSM was also provided with CCO [REDACTED] assertions as to why he accessed the IOMS data of the prisoner on those two dates, and the MSM was asked to respond to a number of questions posed to her by the ESU.

4.4 On 13 July 2017, the MSM from BCC replied to the ESU via email (**Attachment 5**), and her responses to the questions posed, appear below.

4.5 The MSM was asked if the type of IOMS data accessed on [REDACTED] would have provided the CCO with the information he needed to ascertain if Prisoner [REDACTED] would have potentially been a candidate to be transferred to Woodford.

- The MSM replied, and claimed that by accessing the prisoner's '*correctional history*' (as was the case as per the IOMS audit), there would not be anything contained in the IOMS data that would indicate that Prisoner [REDACTED] would be transferred to Woodford.
- By accessing the prisoner's '*history of breaches, incidents and contraventions*' (as was the case as per the IOMS audit), there would not be anything contained in the data that would indicate the prisoner would be transferred to Woodford.
- By accessing the prisoner's '*orders and offences*' (as was the case as per the IOMS audit), there would not be anything contained in the data that would indicate the prisoner would be transferred to Woodford.
- If the CCO accessed the 'attachments' in the sentences and orders tab (as was the case as per the IOMS audit), the CCO would have been able to view information relating to all outstanding court as well as the prisoner's criminal history and the facts of his offending (if BCC had received it). This section however, would not contain any documentation relating to Prisoner [REDACTED] possible transfer to Woodford.
- By accessing the prisoner's '*case file notes*' (as was the case as per the IOMS audit), the CCO could have seen whether the prisoner had been spoken to by BCC sentence management personnel in relation to a possible transfer, and whether the prisoner had expressed a preference for a particular placement centre.
- By accessing '*plans and reviews*' (as was the case as per the IOMS audit), the CCO would have been able to determine if a decision had been made by BCC Sentence Management about the prisoner transferring to Woodford, or another Correctional Centre.

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4.6 The MSM was also asked if decisions were made by Sentence Management personnel at BCC concerning the possible transfer of prisoners, whilst the respective prisoners were still on remand, and if so, was that intention ever forecast in IOMS anywhere within the type of data accessed by the CCO on [REDACTED].

- The MSM advised that in about March 2017, Woodford started accepting 'remand only prisoners', on the proviso that any outstanding Court matters were in either Brisbane or Caboolture Courts.
- The MSM considered it would be unlikely that a general duties CCO at Woodford, would have been aware of that change in policy, and because Prisoner [REDACTED] had outstanding court matters in [REDACTED] and [REDACTED] he would not have been a candidate for transfer from BCC to Woodford whilst he remained on remand.
- The MSM considered that ordinarily, and what general CCOs at Woodford would know, is that the sentence management process for security classification and placement commenced once a prisoner was sentenced.
- The MSM reported that once a prisoner is interviewed by Sentence Management personnel, there will be a 'case note' generated detailing the interview, as well as a record of any decisions made, which is then placed into the 'plans and review' section of IOMS.
- The MSM reported there will also be a 'draft move' generated in the 'movement section', and the abovementioned areas are the three places in IOMS that someone would look to see if the prisoner was going to be transferred to Woodford, but again, prisoner [REDACTED] would have been excluded from a transfer from BCC to Woodford whilst he still had the outstanding matters as outlined.

4.7 The MSM was asked if, when the CCO allegedly discovered on [REDACTED] that prisoner [REDACTED] was still on remand (which he claims caused him to access IOMS again on [REDACTED]), why would that later access have allowed him to ascertain if there was (then) a higher possibility of the prisoner being transferred to Woodford.

- The MSM reported that once a prisoner at BCC is sentenced, Sentence Management personnel would commence the process of finding him a placement centre, and as can be seen from areas accessed by the CCO on [REDACTED], the CCO only looked into the 'attachments' (presumably the attachments under the sentences and orders section, not under prisoner details), where he would have seen that the prisoner was still remanded.
- The MSM then opined that once that 'remand' information was discovered, the CCO did not appear to look any further, as he may have assumed that because the prisoner had not been sentenced, he would not be moved.

DISCUSSION OF EVIDENCE

It was claimed by the prisoner's mother, that her daughter [REDACTED] is estranged from the [REDACTED] family. [REDACTED] effectively alleged CCO [REDACTED] had disclosed 'confidential information' to [REDACTED], who then allegedly informed [REDACTED] other daughter [REDACTED] of the information.

There is sufficient evidence from members of the [REDACTED] family and the IOMS audit, to find that CCO [REDACTED] did conduct himself as alleged, and that he effectively disclosed 'confidential information' to a person outside the department who was not entitled to receive it, such information having been previously sourced by CCO [REDACTED] after having inappropriately accessed IOMS.

When CCO [REDACTED] was written to, his response was required to cover such issues as his reasons for accessing sensitive and personal information of a prisoner who was related to him by marriage; whether or not he had sought prior approval to do so; and if so, from whom, as well as his reasons for disclosing any such information to a third party.

In CCO [REDACTED] subsequent response, he did not address the aspect of prior authorisation, or the reasons for the subsequent disclosure of the information. In the information he provided, he only included his 'personal' reasons for his IOMS access, and his assertions have effectively been discounted and refuted by the MSM at BCC.

CONCLUSION

It is considered that on the evidence adduced, the allegation that on [REDACTED] and again on [REDACTED], without authority, CCO [REDACTED] of Woodford Correctional Centre, accessed confidential information concerning prisoner [REDACTED] of Brisbane Correctional Centre, from the Integrated Offender Management System, contrary to the conditions of his approved system access, **is capable of being substantiated.**

It is considered, that on the evidence adduced, the allegation that on a date subsequent to [REDACTED], without authority, CCO [REDACTED] of Woodford Correctional Centre, disclosed confidential information concerning prisoner [REDACTED] of Brisbane Correctional Centre, that he had obtained from the Integrated Offender Management System, contrary to the conditions of his approved system access, **is capable of being substantiated.**

Reference No: [REDACTED]

RECOMMENDATIONS

It is recommended that you determine on the evidence adduced and on the balance of probabilities, whether to:

- 1. Initiate disciplinary action with respect to the allegation that on [REDACTED] and again on [REDACTED], without authority, CCO [REDACTED] of Woodford Correctional Centre, accessed confidential information concerning prisoner [REDACTED] of Brisbane Correctional Centre, from the Integrated Offender Management System, contrary to the conditions of his approved system access.

YES / NO (Please circle); OR

- 1a. Determine an alternate path.

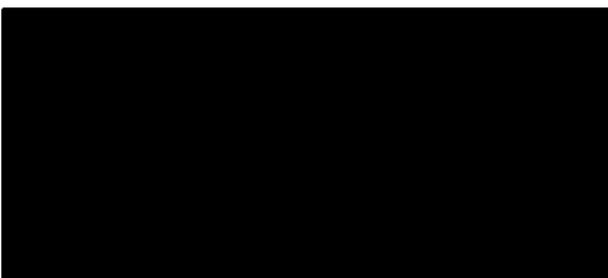
YES / NO (Please circle and specify if YES) AND

- 2. Initiate disciplinary action with respect to the allegation that on a date subsequent to [REDACTED], without authority, CCO [REDACTED] of Woodford Correctional Centre, disclosed confidential information concerning prisoner [REDACTED] of Brisbane Correctional Centre, which he had obtained from the Integrated Offender Management System, contrary to the conditions of his approved system access.

YES / NO (Please circle); OR

- 2a. Determine an alternate path.

YES / NO (Please circle and specify if YES).



LIST OF ATTACHMENTS

- Attachment 1** Complaint by [REDACTED]
- Attachment 2** IOMS Audit report
- Attachment 3** Letter sent to CCO [REDACTED] from ESU
- Attachment 4** Reply by CCO [REDACTED]
- Attachment 5** Information from MSM at BCC

Briefing Officer: [REDACTED]
Telephone: [REDACTED]