



## CRIME AND CORRUPTION COMMISSION

### TRANSCRIPT OF INVESTIGATIVE HEARING

10 CONDUCTED AT LEVEL 2, NORTH TOWER, 515 ST PAULS TERRACE,  
FORTITUDE VALLEY WITH RESPECT TO

File No: CO-18-0360

TASKFORCE FLAXTON  
HEARING NO: 18/0003

20 DAY 13 – WEDNESDAY 30 XX MAY 2018  
(DURATION: 1 HR 15 MINS)

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#### LEGEND

30 PO Presiding Officer – ALAN MACSPORRAN QC  
CA Counsel Assisting – GLEN RICE QC  
INST Instructing – AMANDA BRIDGEMAN  
HRO Hearing Room Orderly – KEEGAN ENEVER  
W Witness – STEPHEN SIMMONS  
CM CHRISTOPHER MURDOCH, Crown Law (QCS)

PO Yes, Mr RICE.

CA Commissioner, I call Stephen SIMMONS.

PO Mr SIMMONS, do you prefer to take an oath or an affirmation?

W An oath.

10 HRO Would you please take the Bible in your right hand and repeat after me.

W The evidence which I shall give in these proceedings shall be the truth, the whole truth, and nothing but the truth, so help me God.

CA Is your name Stephen Andrew SIMMONS?

W Correct.

CA You are Acting General Manager of Wolston Correctional Centre; correct?

20 W I am.

CA Did you receive a notice to attend the inquiry?

W I did.

CA Can I show you this. Is that a copy of the notice you received?

W It is.

30 CA I tender that.

PO Exhibit 96.

ADMITTED AND MARKED EXHIBIT 96

CA For how long have you been acting as General Manager at Wolston?

W Since July 2017.

40 CA And your substantive position?

W Is Deputy General Manager at Wolston Correctional Centre.

CA For how long have you occupied that position?

W Since September 2009.

CA You have long experience, I think, in QCS?

50 W I do.

CA How many years in all?

W Thirty-two.

- CA Is this your first general manager, or at least acting general manager, position?
- W Yes.
- CA Can you tell us a bit about Wolston? What's its primary purpose?
- W Sure. Wolston is located at Wacol. It is a 600-bed high-security placement facility for protection prisoners. As I have just stated, it has a built capacity of 600, but at the present time we are operating with 760 prisoners, so we are roughly operating just above 125 per cent.
- 10 The facility is essentially broken down into two accommodation areas, being the secure accommodation area and the residential accommodation area. It has a significant focus on industry production, which all operates around a structured day, which operates seven days a week.
- CA The accommodation configuration - you mentioned residential and secure. In what proportion?
- 20 W Sure. Both the residential accommodation area and the secure accommodation area have 300 cells in each. The secure accommodation area is broken up into six 50-man units, one 10-man detention unit, and then when you flick across to the residential accommodation area, there are three clusters that are broken into individual units, of which I think there are 50.
- CA Is there a more communal arrangement at residential?
- 30 W Yes, what we refer to as an open campus style environment.
- CA What I was getting at was does each prisoner, even in residential, have their own cell?
- W Correct.
- CA In what sense, then, is it a communal or campus environment?
- 40 W Each individual residential accommodation unit has six cells that wrap around a common area, and within that common area is a kitchenette and an ablution area. There is one door that opens from the common area on to the residential compound, and that is the door that we either enable or disable to control prisoner movement into that individual unit. Every unit is configured the same, except for a dedicated unit for the management of aged and infirm.
- CA Is the residential more sought after by the prisoners?
- W Compared to the secure accommodation?
- 50 CA Compared to secure, yes?
- W Yes.
- CA Is there a progression regime?

- W There is. We recently introduced what we commonly refer to as a secure progression pathway, which revolves around a local instruction that we have developed called employment and special profile units.
- CA How does that operate?
- W How that essentially works is that, as a new reception into our facility, you start in our induction unit and work your way through and progress your way through the secure accommodation area, through employment units and then across to the residential accommodation area.
- 10 CA The employment units - is that the employment opportunity through industry that you referred to before or something else?
- W Because we do have a huge industry focus, we have assembled the majority of the prisoners that work within the industry units within two specific units within the secure accommodation area. There are other prisoners that are employed that are accommodated elsewhere. But in those two particular units, which are S2 and S4, the majority of those prisoners are either employed in industries or do prisoner service work within the unit.
- 20 CA Do I understand you correctly that after induction, the next phase is to go through an employment situation?
- W Correct.
- CA In the industry that you have described?
- 30 W Yes, or prisoner services, which is employment within the unit.
- CA Is it part of the progression model to undertake employment in these areas?
- W That's the expectation.
- CA In the meantime, those prisoners engaged in that employment are in the secure portion of the prison, as you have described? Are they in the secure environment?
- 40 W In the secure accommodation area?
- CA Yes.
- W Yes. Just to explain how the employment works and how that connects with our structured day, we operate seven days and we essentially work two shifts within the industries area, so an am shift and a pm shift. Every day, prisoners employed in the residential accommodation area go to work in the morning and go to our two main industry buildings.
- 50 In the middle of the day, we then swap over and go to the pm shift, and the prisoners from the secure accommodation area then go to the same work location. So we are running two shifts seven days a week.
- CA Is there some average of length of time it may take to earn progression from secure to residential?

- W I can't really answer that question.
- CA Presumably by the time the prisoners arrive at the centre, it is already known that they are in the protection category?
- W Correct.
- 10 CA Who would make that classification?
- W Brisbane Correctional Centre.
- CA I presume that there is some criteria. If it is a secret, you don't need to go into it, but I assume that there are some-
- W The protection needs assessment?
- CA Yes.
- 20 W Yes, that is the tool that is used for that purpose.
- CA Is that issued to everyone at Brisbane, do you know?
- W I can't really answer that question. I wouldn't think so.
- CA In terms of the prisoner profile, being in protection, does that convey anything about the likely duration of sentence?
- 30 W I can say for Wolston Correctional Centre, while it is classified as a protection prison, it looks no different from a mainstream correctional facility in terms of the profile of prisoner that we are managing.
- CA So a full spectrum of offending behaviour, for example?
- W Absolutely. Everything from break and enter through to murder.
- CA And a full spectrum of quite short sentences to quite long sentences?
- W Correct.
- 40 CA Are they skewed towards one or the other?
- W No.
- CA Do you have a proportion of quite long-term prisoners?
- W We do, and they are predominantly accommodated in the residential accommodation area, and that's because of the type of offence that they have committed. They can't progress to a low-security correctional facility.
- 50 CA Save for persons who commit a certain type of offence, as you have mentioned, is there the opportunity for those in different categories to progress out of protection, to go somewhere else?
- W There's always the opportunity for a prisoner to make application to

withdraw from protection.

CA I see.

W Absolutely.

CA Are some there by choice?

W Pardon?

10

CA Are some in protection by choice?

W Yes.

CA You are 160 overcapacity at the moment. How have they been housed?

20

W What we have done at the present time is shifted the majority of the risk to our residential accommodation area. The reason we have done that is, rather than have a prisoner sleep on a mattress on a floor, with his head below the toilet, in a cell that has been designed for one prisoner-

CA Which is what you would get in secure?

W Correct. Because at this point in time, we don't have the infrastructure there, like a double-bunk bed, we have accommodated the majority of the prisoners at this point in time in the residential accommodation units. I mentioned to you before about the six cells that wrap around the day room or the common area of that unit. In each of those, we currently have two prisoners sleeping on a mattress on the floor.

30

CA That's in the communal area?

W Correct.

CA Two extras per normally six-man unit?

W Correct.

40

CA How, then, is the communal area used during the day if it's ordinarily occupied by two persons who sleep there?

W Essentially, through the day, the mattresses are up against the wall or tucked away, so to speak, so the common area can be utilised as it normally would be through the day, and the mattresses then come down onto the floor at night.

CA How are the prisoners allocated to fill those positions?

50

W The best way to explain that is that if you are a prisoner who is accommodated in the secure accommodation area, what we call a residential suitability assessment is completed for a prisoner to be assessed to move from the secure environment to the residential environment.

CA So you need first to be suitable?

- W Correct. There is a structured process that we go through. It is basically a multi-disciplinary approach. Then once you are identified as being suitable for progression to the residential accommodation area, you will then go on to a waiting list. When you move across to the residential accommodation area, you will automatically go on to a mattress on the floor, and as cells become available from the other prisoners, then you will progress into a cell.
- 10 CA In the meantime, the prisoners who are allocated to those two mattresses in the common area don't, in any sense, have their own privacy?
- W In terms of having four walls around them?
- CA A place where they can be alone.
- W No.
- 20 CA What about such property as they may be allowed to have, how is that housed?
- W Under normal circumstances, if you are in a cell, you have a purpose-built wardrobe for the storage of your private property. We have just recently installed purpose-built storage lockers for each of our prisoners, and they have keyed access to their private property, so that is now secured.
- CA Is there any sort of general expectation as to how long such a prisoner might be sleeping in this mattress arrangement?
- 30 W Not really. They just wait until a cell becomes available, and then they progress their way up the line until they move in.
- CA Is that also contingent on continued good behaviour?
- W No.
- CA Is it simply based on availability?
- 40 W Yes. If there was any issue with a prisoner in terms of their behaviour within the residential accommodation area, a consequence of that may be to return to the secure accommodation area. There is a very high threshold within the residential accommodation area.
- CA Is it any source of tension for those who occupy these positions in the communal area that they do so?
- W Not that I'm aware of.
- 50 CA Does it impact on the living arrangements for those in the surrounding six cells?
- W Not particularly, because they do have their own cell, with their own private property. What I should also mention is that each of those prisoners themselves have controlled access to their own cells with a key.
- CA Is this arrangement that you have had to invent to house these extra prisoners any source of friction within the units in which that system

operates?

W No.

CA You think that that kind of doubling-up arrangement can be achieved without perhaps raising the temperature of the prison?

W It has been achieved.

10 CA Does that arrangement of housing the extra prisoners in the residential have any flow-on effect to the duties, degree of engagement, of staff allocated to those units?

W As our prisoner numbers increase, so does our staffing profile. From the minute we exceeded our built capacity, we have negotiated between the two parties, being management and our Together Union, on a staffing profile as we move through. For example, in the residential accommodation area, with the increase in prisoner numbers, that has equated to two additional internal patrol officers.

20

CA You would be aware, I assume, that other prisons are overstate?

W Yes.

CA Would you also be aware of the various ways in which that being managed within those centres?

W In general conversation with other general managers, yes.

30 CA Is your arrangement the least unsatisfactory? Have you ever thought about it?

W No, I haven't.

CA At any rate, you say it is not a particular source of additional tension within the prisoner population?

W Not within the residential accommodation area.

40 CA What about impact on service delivery?

W There has been no impact on service delivery.

CA One of your colleagues suggested that a means of keeping the temperature of a prison down was to avoid competition for services, things as basic as phones, access to toasters, washing machines and the like.

W That would probably more likely be the case in the secure accommodation area, but not in the residential accommodation area.

50

CA Why would that be more likely to be a feature in secure?

W For example, like I said to you before, you have two additional prisoners in each residential accommodation unit, as opposed to the secure accommodation area, where you have a built capacity of 50 prisoners and you're trying to manage upwards of 67, 68, maybe 70 prisoners, and then

it can become an issue.

CA I'm sorry, maybe we are at cross-purposes. You are not overstate in the secure area, are you?

W Yes, we are, in addition to residential.

CA I see. I must have misunderstood.

10 W Like I said to you before, we transferred the majority of the risk to the residential accommodation area and brought that up to a capacity of 390, but we're operating at 760, so the remainder of the prisoners are on a mattress on the floor in a single cell.

CA How many of those are there?

W Sixty.

20 CA I will ask you the same style of question for the impact of the doubling-up arrangements in the secure area: is that a source of conflict for prisoners who are required to share?

W It can be, yes. In those circumstances where you are trying to bring two prisoners together who don't have any familiarity with each other, absolutely.

CA Do you have some cell placement assessment process?

30 W We do, and that's enshrined in a practice directive in terms of the things that we must consider, in terms of addressing any association or compatibility issues.

CA Do prisoners have a say in whether they will participate in doubling up?

W Absolutely, yes, and that is done through the unit officers within the unit.

CA Can they be required to do that even if they are not agreeable to it?

40 W You mean forced to go into a cell together?

CA Yes.

W That's not our preferred option, and very rarely would we do that.

CA You mentioned that the competition for services may be more likely to occur in the overaccommodated secure area. In what way would that play out?

50 W Employment. Even though our prisoner numbers increase, the number of employment positions don't increase, so there could be competition for employment positions within those accommodation units.

CA What proportion would be in employment?

W Across the whole of the facility?

- CA Yes.
- W The last figure that I saw when I drilled through reporting services was 477, and that was yesterday.
- CA I think sometime ago now there was a Chief Inspector's inspection of Wolston, and I think the figure might have been around 55 per cent in employment. Is it a little bit more than that now?
- 10 W Yes.
- CA Have you been able to increase the capacity for employment over time?
- W I don't think it is so much about increasing the capacity, but some of the industries that we run have increased within the workshops, probably creating more employment positions. There has been some growth in some of the contracts that we have and currently manage.
- 20 CA What about the 300 who don't have employment, how do they occupy their day?
- W With the structured day, like I mentioned to you before, if residential go to work in the morning, when they come back in the afternoon, they're involved in another meaningful activity, including program participation or maybe access to the gymnasium or activities similar to that. Likewise, with the secure accommodation area. They go to work in the pm, but in the morning they may be involved in meaningful activities over in the education and programs building, and the activities may be like craft, cultural centre, things of that nature.
- 30 CA Are you able to offer employment or programs for those who wish to undertake them, or are some prisoners simply idle because they can't participate?
- W Correct, correct. In fact, we have a number of prisoners who are unsuitable for employment because there may be health-related matters.
- CA Is there a proportion, nonetheless, of persons who wish to be engaged in programs or employment who cannot do so?
- 40 W More than likely.
- CA Would you not know the proportion of those?
- W It would be those numbers that you just mentioned before. Like I said, we've got a state of 760; 477 of those are employed. There are only so many employment positions within our facility. We just can't create them, because we don't have the capacity to do that.
- 50 CA For those who don't have employment or perhaps other educational programs, how is their day spent?
- W It would essentially be spent confined to the unit.
- CA Is there some form of activity available for prisoners confined to unit?

- W There is. Every residential accommodation unit and secure accommodation unit throughout our structured day is provided with a session in our multi-purpose hall and the oval.
- CA Do you subscribe to a dynamic security strategy? Are you an adherent of that?
- W Can you please explain that?
- 10 CA You would be familiar with the dynamic security concept?
- W Yes.
- CA Do you subscribe to it? Is that part of what you aim to achieve?
- W Yes.
- CA And your staff?
- 20 W Yes.
- CA Has that been impacted upon by being overstate in either secure or residential?
- W It has probably been impacted to a smaller degree within our secure accommodation units, because you have gone from two unit officers managing 50 prisoners to upwards of 67 to 70 prisoners.
- 30 CA What additional pressures does that create for a correctional officer's day-to-day work?
- W I guess that's particularly pertinent for Wolston Correctional Centre, because we don't have purpose-built officer stations. We have work stations within our 50-man units.
- CA Exposed to the prisoners?
- W Correct. It's just a work station. In other words, there is no physical barrier or no place that you can retreat to when you are managing those prisoners on the floor.
- 40 CA Instead of 50, there might be closer to 70?
- W Correct.
- CA Is that a safety consideration?
- W What we have put in place is a modified unit routine. That again is another local instruction. We have a trigger point that has been agreed to, again between the two parties, being management and Together Union, whereby when we hit a particular number within a unit, we go to a compartmental unlock, where we have half in and half out, to reduce the number of prisoners on the floor, to address any safety concerns or issues.
- 50 CA I am sorry, I don't quite understand that.

- W Sorry. In those circumstances where we exceed 67 prisoners in a 50-man unit, we have developed a local instruction whereby we only unlock half the prisoners for half the day.
- CA Out of their cell, you mean?
- W Yes.
- 10 CA Once they are out of their cells, they are in the communal area, on the floor, so to speak?
- W Correct. As opposed to having 67 or 68 prisoners there at any given time, you are going to have 34.
- CA A consequence of that - correct me if I am wrong - is that the prisoners would spend more in-cell time?
- W Correct.
- 20 CA By what proportion?
- W Well, half the day, of what they previously had.
- CA The aim is ten or more, isn't it, ten or more hours out of cell?
- W In terms of time out of cell, the target, yes.
- CA In that scenario, are you achieving, what, five out of ten?
- 30 W Four to five.
- CA Is that a source of discontent for those affected?
- W It could be potentially for the prisoners, but not for the staff.
- CA Is it not necessary to be aware of reactions by prisoners to that kind of a scenario, so that you know what is going on in the prison?
- 40 W Absolutely, but in some cases, if I could just add this, in some circumstances, prisoners would prefer to be locked away so they can remove themselves from that environment and have time out in their cell.
- CA So it works both ways?
- W Correct.
- CA Is there some reason why the design was such that the officer stations would not have some physical barrier from the prisoner population of the unit?
- 50 W I think it's just a case that, over time, correctional facilities have evolved in terms of infrastructure.
- CA I think that's perhaps the first one we have heard in this category. Perhaps I haven't asked before. Is it unique to Wolston, do you know?

- W To the best of my knowledge, I think it may be. I am aware that in some circumstances, in some accommodation units in other facilities, there has been a retrofit and purpose-built officer stations have been constructed. But maybe it is Wolston that only has the work stations.
- CA Could you explain the theory behind it?
- W I guess I can only relate it to my experience from when I first started in the job at Boggo Road in 1986. We certainly didn't have the infrastructure that we have today, and I was essentially locked or secured inside an exercise yard with upwards of 40 or 50 prisoners, so your hand was virtually forced in terms of having to interact with those prisoners from a prisoner management perspective.
- CA Is it desirable to do that?
- W From my personal perspective?
- CA From a prisoner management perspective.
- W Absolutely, absolutely.
- CA Does this configuration effectively enforce that kind of interaction?
- W I believe so, because there's no physical barrier between the prisoners and the unit officers.
- CA Is that an aspect of the dynamic security theory?
- W Absolutely.
- CA Is Wolston of any more modern construction than the prisons that are close by, for example?
- W Wolston was commissioned, I think, in 2001. Like I said, they have evolved over time. Within the Wacol precinct, we have Brisbane Correctional Centre. My understanding is that they do have purpose-built officer stations.
- CA Do the increased numbers within the prison require additional staff, or have you managed it by the staggered release from cells but maintaining the same staff ratio?
- W Well, both. We have been able to just maintain two unit officers inside each accommodation unit because of the modified unit regime. In addition to that, and just maybe focusing on the secure accommodation unit, we have also engaged additional internal patrol officers because of the additional activities that come attached to managing additional prisoners.
- CA Are they what has been termed "rovers"?
- W No. Internal patrol officers.
- CA Perhaps you would explain their function, then?

- W Their task - in terms of internal patrol, we have a graduated response to emergencies. We have a primary, a secondary and a tertiary response. Those internal patrol officers, some of them come from identified posts and form part of our primary response. One of their functions is to respond to what we refer to as codes, code yellows, where an officer requires assistance.
- 10 Outside of that, they will be tasked with maybe supporting the officers down in the detention unit, with the activities related to that particular area, or just generally escorting those prisoners who may be on an individual management plan or a safety order from a secure accommodation area to locations like the health centre or the reception stall or video-conferencing centre.
- CA Are there any particular features of management that are peculiar to a prison that is dedicated to housing protection prisoners?
- W Like I said to you before, it looks no different from a mainstream prison.
- 20 CA And doesn't require any alteration of management strategies or approach?
- W No.
- CA Do you need to make any more frequent use of lockdowns with an increased population?
- W Other than that modified unit regime, no.
- 30 CA Is there any issue with recruitment of staff to Wolston, getting the numbers?
- W No.
- CA Are there any pockets of staff requirements that you have difficulty filling - specialist positions, for example?
- W We certainly don't have any issues with filling custodial correctional officer positions, but sometimes there is a struggle with recruiting psychologists.
- 40 CA You need to develop, don't you, an annual training plan?
- W Yes.
- CA I understand the mandatory component of that, to keep up core skills, but is there capacity for you, as the general manager, or your delegate, to identify local training needs?
- W Yes.
- 50 CA Who would do that typically?
- W The management team. Where a need is identified, maybe to fill a gap, we'll make a decision about maybe plugging in what we refer to as an operational training priority in addition to the CPCA training.

- CA Is that done so as to fill up each plan on an annual basis, that is to say, you do this assessment annually?
- W Not so much to fill up the plan. It's just that there is an identified training need.
- CA What needs have been identified for the current annual training plan?
- W Mental illness.
- 10 CA That is prisoners' mental illness?
- W Yes. Professional boundaries. Assisting vulnerable prisoners. I think they are the only three.
- CA Are you able to say what triggered the selection of those three categories?
- W I think the professional boundaries speaks for itself, and that was primarily in response to some incidents where maybe staff have crossed the boundary.
- 20
- In terms of mental illness, it was identified sometime ago, some of the profile of prisoners that were coming into our environment had that particular need, and it was important for our staff to be able to identify that and learn how to manage that, not too dissimilar from the Queensland Police Service.
- In terms of assisting vulnerable prisoners, maybe because some of the profile of prisoner that we manage are special needs, it is about managing that particular cohort.
- 30
- CA What kinds of vulnerabilities?
- W Cognitively impaired, significant risk of self-harm, that type of profile.
- CA It has been said in evidence earlier in this inquiry that the proportion of persons who may be so affected has increased over time. Is that your perception?
- 40 W Not particularly. I have been doing this for 32 years. What I have started to see is significant substance abuse. That's the main one that I see coming through at the moment, and maybe there is a relationship or connection between those.
- CA Does the fact that the centre is a dedicated protection unit convey anything in terms of assault rates?
- W No.
- 50 CA You would have an idea from monitoring, I presume, what rate of assaults are occurring at Wolston?
- W Yes, we track that through our local assurance framework.
- CA How frequently is that done, by the way?

- W The local assurance framework?
- CA Yes - well, the tracking of the data.
- W We do that on a weekly basis. We definitely do that on a weekly basis through our management meeting.
- 10 Just to explain that, through our intelligence unit, we track drug-related data and violence-related data. There is a program called TIMS, which is an intelligence program, I guess, that feeds off data through IOMS, and we are able to track any trends or themes, or whatever, in terms of drug-related activity and violence-related activity. So we track all the assault data, both prisoner-on-prisoner or prisoner-on-staff, and vice versa.
- CA Are you able to say whether there is any discernible trend, upwards or downwards, in either category?
- 20 W I guess from a staffing perspective first up, one assault is one too many. But in terms of our assault data on staff, I think by comparison maybe to some other facilities, we are tracking quite well. In terms of prisoner-on-prisoner, we certainly do have our fair share, as do most other high-security facilities, but I don't think it is significant.
- CA Some information I have is that the rate of prisoner-on-prisoner assault may be quite a bit above the state average.
- W Okay.
- 30 CA Would you accept that?
- W It's not consistent with the data that I have.
- CA That's okay. Whatever that rate be, is it the case that you are required to engage in a violence reduction strategy?
- W Yes.
- 40 CA What does that consist of at Wolston?
- W I know it has been previously mentioned that we have a violence prevention coordinator, and overarching all of our violence prevention coordinator is a violence prevention framework.
- CA Is the violence prevention coordinator someone within the centre?
- W Correct.
- 50 CA What is the function of that person?
- W There are a number of functions, but the primary one relates to assaults. The coordinator mediates between the two parties, being a perpetrator and a victim perhaps involved in an assault, to try to resolve the issue. They also engage with those prisoners, on an ongoing basis, who have been involved in assault-related incidents. They are also offered access to a program that has been implemented at Wolston Correctional Centre and

I think is being rolled out across the agency as a whole, and that is the PEP program, Peace Education Program. That is essentially it.

What the role also does -and I think I mentioned this in the first place - is that they provide a level of support to the accommodation areas, engaging with the perpetrator or the victim of assault to try to mediate a positive outcome.

- 10 CA Are we talking typically of an assault occurring between two prisoners?  
W Correct.
- CA How successful do you find that kind of mediation to be?  
W Can I maybe revert to the PEP program?  
CA Yes.
- 20 W I don't know the exact figures, but I think in the vicinity of about 70 or 80 prisoners whose have previously been involved in assault-related incidents have participated in that program, and since participating in that program, I think there are only three or four prisoners who have been involved in further assault-related activity.
- CA Would you say, then, that the prisoners are receptive to that kind of program?  
W Yes.
- 30 CA It might perhaps cut across the stereotype?  
W Yes.  
CA But that's what you find?  
W Yes.
- CA Is it an approach to reason?  
40 W Pardon?  
CA Is it an approach to reason for the prisoners?  
W Yes, yes, to think differently.
- CA I beg your pardon?  
W To think differently before engaging in that type of activity.
- 50 CA For those incidents that do occur, you have some form of review of them?  
W What we do as a management team - all incidents, as you know, are created or recorded through IOMS. We have a daily operational meeting through the week. All incidents are brought to that forum, so there is a level of oversight by the management team and the next level down, being the correctional supervisors. Through that process, there may be

a trigger or something that is of interest to us, particularly it may be around the use of force, and there will be a level of oversight where we will unpack that incident, not necessarily because we have concern about the application of the use of force but about what we can learn from that and maybe do better.

CA Does someone do any analysis of a group of reports to see where there may be hot spots or trends?

10 W Absolutely. I have heard it mentioned across the last couple of weeks about the local assurance framework. That feeds out of the statewide assurance framework through Statewide Operations. We have a local assurance framework that we must comply with.

20 There are essentially two parts to that framework. There is the first element, in which there are identified risks or risks that have been identified by Statewide Operations that we track and have internal controls, internal oversight controls, in place to monitor. Then there are our own identified risks, which is the second element of the local assurance framework. Part of tracking that is about looking at some of our assault data.

Would you mind if I refer to our local assurance framework?

CA By all means.

30 W The three risks that we have identified - every high-security facility has a risk register, of which there are a number of risks that feed into a corporate register. We are basically tasked with identifying probably the three highest risks for us in terms of day-to-day operations. For us, it is a failure to provide a safe working environment for correctional staff, which you would expect; just as important, failure to provide a safe environment for prisoners.

CA That is pretty high level, isn't it?

W Pardon?

40 CA That is pretty high level?

W Absolutely, and that is why they are identified in our local assurance framework. The last one is the ability to uphold the required behavioural standards for prisoners, which is also just as important.

CA The risks then have to be addressed, don't they?

W Correct.

50 CA Expressed as they are at a high level, what would be the strategies to mitigate those risks?

W It depends on what the data tells us. With the local assurance framework, we have what is called a monthly governance, compliance and risk meeting where we monitor all the trends attached to each of those risks. For example, just to explain, for failure to provide a safe work environment for correctional staff, the evidence that we're looking for is,

for example, making sure that our staff are all trained in mental illness, also trained in assisting vulnerable prisoners. We are also looking at, for example, the number of SHE reports that may receive.

CA The number of what, sorry?

10 W The SHE reports. Where a person is injured, a SHE report is created. That is the safety, health and environment system report through our occupational health and safety officer. And also any information that we receive through our intelligence unit, which may be drug or assault analysis on a monthly basis.

From that, we have a number of documents or corporate documents that we use, including trend reports and things of that nature, and depending on the outcome of those we will put strategies in place to maybe address any concerns or themes or trends that we have identified through that process. They are reviewed on a monthly basis or, if necessary, on a weekly basis through our management meeting.

20 CA Thank you. Can I go to a couple of memos relating to incidents just as a basis to ask you a couple of things.

W Sure.

CA Can I show you, firstly, a memo dated 3 March 2016. First of all, is that a memo dated 3 March 2016 concerning an incident occurring at Wolston in October 2015?

30 W 22 October?

CA Yes.

W Yes.

CA I tender that memo of 3 March 2016.

PO Exhibit 97.

40 ADMITTED AND MARKED EXHIBIT 97

CA The scenario is one of inappropriate relationships and inadequate disclosure thereof. One of the features of this, as appears in the second paragraph under "Background", is that the particular allegation was that the officer concerned had commenced a relationship with a prisoner on his release from custody, which was not declared.

50 Just looking at that, it appears as though there was a relationship commenced after a person was released, and it just raised a query as to what would be the limits of what would need to be disclosed. Is there any list or prescription of what kind of information needs to be disclosed concerning relationships, conflicts of interest?

W I am familiar with this particular matter. To be truthful with you, I think the relationship developed before the person separated from the agency.

CA Was that the real concern?

- W Absolutely.
- CA I ask that only because the allegation is framed in terms that a relationship commenced after the person was released from custody.
- W Yes.
- 10 CA But you are saying there is more to it than that?
- W Yes, and I say that on the basis that - and I guess this demonstrates that the system works. That's why I am familiar with this particular matter.
- CA How does it demonstrate that it works, without going into identities?
- W There might be a relationship between that and the fact that the person decided to separate from the agency before appropriate action was taken.
- 20 CA The source of this, as appears from the first sentence under "Background", was that there was an intelligence report. Is this kind of scenario typically the product of intelligence-driven information?
- W More often than not, yes. It's normally the subject of an intelligence note.
- CA Short of getting an intelligence report or a complaint of some kind, is there any means of proactively monitoring susceptibility, for example, of a particular officer to formation of an inappropriate relationship?
- 30 W I guess to answer your question, at least at Wolston Correctional Centre, we have an open line of communication between the staff and the office of general manager, and if we suspect any sort of inappropriate activity or maybe someone who has crossed the boundaries, staff are not backwards in coming forwards and providing me with a formal or informal brief about what they may have observed, outside of doing an intelligence note or an email notification or something along those lines. I even get, through the blue letter process, intelligence, I guess, from human sources about relationships between staff and prisoners.
- 40 CA What about, on a different but perhaps related subject, conflicts of interest that staff may have, are there typical scenarios that are identified to guide them as to whether they are getting into a situation which requires a conflict to be disclosed?
- W Yes, there is a policy document in place. Even though we have just uncoupled from DJAG, the policy document I am referring to is a DJAG document. There are two parts to that: there is other employment or conflicts of interest. I know our staff have an awareness of that document, because, on average, I would probably do one conflict of interest every two weeks.
- 50 CA Typically is that to do with associations?
- W More often than not, it's to do with the fact that they may have been a childhood friend, or someone along that nature, and they've come into the agency as an officer and the prisoner has come into our custody.

CA Can I go to another scenario. I'll show you a memo. This one is dated 18 November 2016. It is not so long ago. You may even recall it. Is that a memo dated 18 November 2016 dealing with an incident at Wolston in October 2016?

W Yes.

CA I tender that memo.

10 PO Exhibit 98.

ADMITTED AND MARKED EXHIBIT 98

CA This was a bit unusual because the scenario was that a photograph and some information which was confidential to the centre found its way into a news report; am I right?

W Correct.

20 CA It raises the question how this particular allegation against this officer came to light. Do you know?

W I do.

CA Can you tell us?

W In terms of making the connection with a particular officer?

30 CA Yes, just as an incident of method.

W Sure. I guess what I do know is that the trigger for this was the image of the item referred to in this memorandum that appeared, I think, in The Courier-Mail-

CA Yes.

W -that was a trigger for me and probably for the rest of the management team, because the image was exactly the same as the image attached to the incident report.

40 CA Someone had to first notice that that was so, I suppose?

W Yes, yes. Well, as a collective, we all did, because the type of item that we are talking about, in our environment, is significant.

CA So it wasn't difficult to identify that that was the one that you had been talking about?

50 W Correct, and if that was the case, the only way that that could have occurred was if it was downloaded or lifted from the incident report.

CA So then you go back to look at IOMS and see who has been accessing; is that right?

W With everything that we do, whether it's IOMS or any other program, there is an electronic footprint.

- CA To cut the story short, you were quickly able to work backwards from the publication-
- W Yes.
- CA -and an identifiable image to doing an IOMS report?
- 10 W Correct. Obviously, that wasn't the task that was performed by the facility, because we don't have the technical ability or capacity to do that. It was clearly a potential ethical standards matter, so we referred the matter to Statewide Operations, who did their initial assessment and then would have referred the matter to the Ethical Standards Unit.
- CA Presumably, they arranged the interrogation of IOMS, and that led to a result?
- W Correct.
- 20 CA Again, short of that kind of scenario where it is possible to work out that there has been a breach of standards, is there any mechanism to monitor appropriate use of IOMS by staff so that it is only really for the purpose of their particular duties?
- W From a centre level?
- CA Yes.
- 30 W No.
- CA Could you tell us whether, in your view, the performance of the average correctional officer's duties requires him or her to have access to IOMS data for prisoners in other centres?
- W There are occasions where we are required to do that. The most common one is where we have a prisoner being transferred from another facility to our location.
- 40 CA Would every correctional officer in Wolston, then, need to have access for that purpose, or would the need to have recourse to that file fall onto an officer with some more restricted duties?
- W Correct. The situation with IOMS, as you have probably already discovered, it that is our one point of truth and everything sits there. With that said, if you have access to IOMS, with the exception of maybe some of the intelligence folders, for obvious reasons, you can access everything on IOMS.
- 50 CA Who would have a particular need to have recourse to a prisoner's file from another centre, accepting that the prisoner may be on the way to transfer to Wolston? Is there someone who has a particular duty to whom that need could relate?
- W More often than not, a prisoner is transferred to our facility and those assessments are already done by sentence management services. But on the odd occasion when you get a prisoner who has significant association

or compatibility issues with prisoners who are already in our custody, then we will receive a request from the manager of sentence management services in our facility requesting some advice around that.

10 The process that we follow for that is that we immediately task that to our intelligence adviser, who does, I guess, like a file review of IOMS and the intelligence holdings in terms of any association or compatibility issues. That information then comes to my office or the deputy general manager's, and we'll do our own assessment based on the advice that we have already provided and then make a determination about whether to accept that prisoner or not.

So probably to answer your question, involved in that process there, you have the manager of sentence management services, the intelligence adviser, the general manager and/or the deputy general manager.

CA But not the average general duties correctional officer?

20 W No.

CA In terms of drug testing, do you apply the practice direction model of a combination of targeted and random drug testing?

W Yes.

CA I think we have heard from others of your colleagues that Statewide Operations provides a list of those to be tested?

30 W I think it's specialist operations.

CA At any rate, it is not generated from within the centre?

W No.

CA It's something that you're given?

W It's random.

40 CA And you just do as you are told and conduct the tests on those who have been identified for you?

W Correct.

CA Such targeted assessment as there may be, is that intelligence based?

W For targeted substance testing?

CA Yes.

50 W Most of that is intelligence driven.

CA For completeness, I'll ask you about staff searches. Are they carried out in accordance with the practice direction?

W Every quarter, yes.

- CA That's the frequency that you apply?
- W That's the frequency required by the relevant practice directive, and we apply that.
- CA In terms of the use of safety orders, tell me if this accords with your understanding, some information I have is that the rate of issue is identifiably higher than the average across the state, at Wolston; would that fit with your understanding?
- 10 W Yes.
- CA Is there some reason for that?
- W I suspect that the majority of those safety orders relate to those prisoners who are at the high at-risk level of suicide or deliberate self-harm.
- CA To what degree does that go with the territory of having a protected cohort of prisoners; is there any correlation?
- 20 W One of the major risks or struggles that we have as a facility is the absence of a safety unit. As I mentioned to you before about the design or the architecture of Wolston Correctional Centre, we have a 10-man detention unit. If you read through our practice directives, the intent of a detention unit is for the management of prisoners undergoing a period of separate confinement.
- CA Punishment?
- 30 W Sorry?
- CA Punishment?
- W We never use the word "punishment".
- CA Okay, sorry.
- W It is a consequence of a breach of discipline. A prisoner may undergo a period of one, two, up to seven days of separate confinement. As I sit here, I cannot remember the last time we had a prisoner in our detention unit undergoing a period of separate confinement, because more often than not, our detention unit is managing that type of prisoner I mentioned before, which is at the high at-risk level of suicide or deliberate self-harm.
- 40 CA I suppose that raises a question of how you identify prisoners who, for that reason, need to be placed on a safety order. Is it medical driven?
- W No. There needs to be an authority to hold a prisoner under those conditions. If you have a prisoner who is down there for separate confinement, there is a separate confinement order. For a prisoner who is at risk, they will be managed under the conditions of a safety order. In terms of the number of safety orders, because a safety order then rolls into a consecutive safety order, we have prisoners down here upwards of two, three, sometimes four months at a time.
- 50 CA Does that need to be supported by a medical opinion?

- W Yes. There is a risk assessment team process. There is another practice directive, which talks about the management of at-risk prisoners, and embedded within that is what is referred to as a risk assessment team. There is a multi-disciplinary approach attached to that, which includes psychologists and a chairperson, who more often than not is a senior psychologist, and also there is representation from there custodial correctional officers or a supervisor and, in the case of an Aboriginal or Torres Strait Islander prisoner, a cultural liaison officer.
- 10 CA Is there a proportion of safety orders issued not out of concern for self-harm but on a discretionary basis for the good order of the centre?
- W There's sort of no discretion. If I can just explain that?
- CA Yes, okay.
- W If you are talking about a safety order for the good order and security of the facility or the safety of the individual-
- 20 CA The discretion I was referring to is that someone has to determine that that applies.
- W Okay, I understand now. In circumstances, for example, outside business hours, maybe on a Saturday or a Sunday, where there is an assault prisoner-on-prisoner, there is a requirement to de-escalate or defuse that type of situation. We certainly don't go off into our respective corners and shake hands. We need to defuse that, de-escalate that.
- 30 Part of that process may involve returning a prisoner to their cell on a safety order, and a safety order is required because we need some sort of authority because we are restricting their access or time out of cell until such time as we can make a proper assessment, similar to what I mentioned to you before about the violence prevention coordinator coming in to get a better or general understanding of what has occurred. During that period of time, we would place them on a safety order.
- CA Answer this if you can, that is to say, what, as you understand it, would be the proportion of safety orders that would issue for what I will call the self-harm reasons, on the one hand, and the good order of the prison, on the other?
- 40 W The proportion?
- CA Yes.
- W There would be a greater percentage probably on the good order and security or a prisoner's safety part. What I need to mention here also is that you would already be aware that a safety order runs for 28 days. The majority of those orders, even though they have been created, would not run the full duration of that 28 days, because within that time there would have been some sort of intervention, like I mentioned before.
- 50 CA Do you have any mechanism of periodic review of the safety order within that 28 days?

- W Daily. The best way to explain this is that there is a program that is available to us called reporting services. There is an expectation on a daily basis for the deputy general manager and, for that matter, the correctional supervisors within each business unit to do what we call a drill through of the safety orders that are within their area of responsibility, so we maintain visibility and we don't keep people on those orders unnecessarily and to make sure that there is some sort of intervention where there are things like assault or things of that matter.
- 10 That is a requirement and is an identified risk through our local assurance framework, so we track those as well, because sometimes that is an indicator in terms of, I guess, the temperature of your facility. There is quite a high level of oversight with that.
- Coming in over the top of that, we made a decision some time ago, as an internal oversight control, that all safety orders that are created are approved by the deputy general manager and all consecutive safety orders are approved by the general manager. So we maintain visibility of those virtually on a daily basis.
- 20 CA Another matter that I have asked some of your colleagues, and I will ask you also, concerns breaches. I am thinking of the category that is referred to CSIU in the first instance because the conduct concerned may either be disciplinary in kind or potentially some sort of offence, and that is the reason why it is referred to CSIU?
- W Yes.
- 30 CA Then experience would show that the vast majority of those are returned by CSIU to the centre and a proportion of them then gets actioned, and the proportion that gets actioned varies quite a bit from centre to centre. Yours, I am told, is that about 50 per cent or a bit more get actioned, which is higher than certainly some others.
- W Okay.
- CA Is there some approach that's taken to what happens to those matters that come back from CSIU?
- 40 W Our approach - when they are returned, more often than not they are returned in one batch, which I know that you have heard through other general managers. Regardless of the number or the amount, when they are returned, they come back in through our intelligence unit. At our daily operational meeting, we have a multi-disciplinary approach to making a determination about whether to proceed with the breach of discipline process.
- CA You get 14 days, don't you?
- 50 W In which to make a determination on the breach, yes.
- CA Not to bring it to conclusion?
- W No, no. The minute it is returned from the COP, we have 14 days in which to make a determination, which in itself is a challenge. I might just digress here, because there is a relationship between that and the absence

of a detention unit. Even though it is there in structure, it is not available to us, and that is where they undergo their period of separate confinement.

CA That is a factor?

10 W Well, it is not a factor in terms of whether we proceed with a breach of discipline or not, because it's important to maintain our position where we have a zero-tolerance approach to violence in our correctional facility. So if a prisoner can't undergo a period of separate confinement in the detention unit, we can certainly do that in cell.

CA In terms of those matters that might result in breach proceedings, would you prioritise those that might involve assault? I say that because you mentioned zero tolerance a moment ago.

20 W Sure. The situation with that, again, is the period of time between when the assault occurred and the breach is returned to the facility. Some time has transpired. There is not an immediate consequence for what has occurred.

CA When these matters are returned from CSIU, is there some person or group of persons, though, who conduct an assessment at that point as to which ones they will progress?

30 W That's that multi-disciplinary team approach. For example, we run through our normal operational meeting each weekday. If incidents have been returned, the intelligence adviser will assemble the accommodation managers that are present and, more importantly, the correctional supervisors, and then we'll unpack the relevant incident and make a determination about whether to proceed with a breach or not.

CA What happens to the balance, that is to say, those that are not proceeded with? Nothing happens, I take it?

W We don't refer the matter for a breach hearing. Can I just add something to that, just to put that into context?

CA Sure.

40 W Where you have an obvious incident like an assault prisoner-on-prisoner, that will be referred for a breach and there will be a consequence attached to that. But sometimes when we get breaches returned, you can't sort of prove beyond reasonable doubt that a particular matter has occurred, and you know that if the matter goes to hearing, you are not going to get the outcome that you are looking for or going to achieve.

CA So there's a variety of factors involved in the multi-disciplinary team's assessment?

50 W Absolutely, and that is why we don't leave it to one particular individual. So it is open and transparent.

CA Thanks, Mr SIMMONS.

PO Thanks, Mr RICE.

Mr MURDOCH?

CM No questions, thank you.

PO Thank you. Thanks very much. You are excused. Thanks for coming.

Mr RICE?

10 CA Commissioner, we have now heard from the witnesses whose attendance was scheduled for this sittings of hearings. What is proposed is that an interval now be taken so that those involved in the project can assimilate the evidence that has been heard and otherwise gathered.

20 It is further proposed that there then be another shorter block of hearings, perhaps over two days, anticipated to be 28 and 29 August. It may be that, at that time, one or more witnesses who have already attended may return to give some further evidence, perhaps with a focus on matters pertaining to reforms, with a view to better preventing, detecting and dealing with corrupt conduct within corrective services facilities.

20 With all that in mind, my submission, Commissioner, is that it would be appropriate to simply adjourn the proceedings to 28 and 29 August for that purpose rather than finalising the matter today.

PO Thanks, Mr RICE.

Mr MURDOCH, I take it you have nothing to say about that?

30 CM No, may it please the Commission.

PO Thank you.

All right, we will do that. Thank you all for your assistance, and a special thank you to the reporters, who have done their usual excellent work under difficult circumstances.

We will adjourn now until 28 August.

40 END OF SESSION

50