

PRIVATE &
CONFIDENTIAL



DEPARTMENT OF JUSTICE AND ATTORNEY-GENERAL
MEMORANDUM

TO: [REDACTED]

FROM: [REDACTED]

SUBJECT: [REDACTED] [REDACTED]
Borallon Training and Correctional Centre

DATE: 9 August 2017

PURPOSE

To brief you on an investigation undertaken in relation to an allegation against [REDACTED], Custodial Correctional Officer (CCO), Borallon Training and Correctional Centre (BTCC).

BACKGROUND

On 6 April 2017, [REDACTED], Deputy Commissioner and you in your role as General Manager (GM), Custodial Operations, Queensland Corrective Services (QCS) referred to the Ethical Standards Unit (ESU) an allegation in relation to the conduct of CCO [REDACTED]

On 9 March 2017, staff searches were being undertaken upon entry to and exit from the BTCC. Due to rumours circulating that staff had left bags outside and later retrieved them, intelligence enquiries were commenced. Following a review of audio and camera footage of the Master Control Room (MCR), it was alleged that CCO [REDACTED] made a telephone call to an unidentified person and notified them of the searches occurring and asked them to disseminate the information via email or Facebook. Additional information was subsequently identified indicating that CCO [REDACTED] also notified staff as they entered the pedestrian gate to enter the centre, and posted on Facebook after he left the centre.

The ESU assessed the material and distilled an allegation regarding the alleged conduct of CCO [REDACTED] namely, that on 9 March 2017 without authority CCO [REDACTED] notified staff of staff searches being undertaken at the BTCC.

The ESU assessed that if proven, the allegation would amount to corrupt conduct. As a result the matter was referred to the Crime and Corruption Commission (CCC). The CCC is monitoring this matter by way of Public Interest Review, and accordingly the investigation was subject to review by the CCC prior to any action being taken by the Department.

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

[REDACTED] suspended CCO [REDACTED] from duty effective 7 April 2017, having regard to the potential risk posed to the centre by CCO [REDACTED]

[REDACTED]

ISSUES

The investigation has been completed and an investigation report prepared by [REDACTED], Ethics Consultant, ESU.

It was alleged that on 9 March 2017 without authority CCO [REDACTED] notified staff of staff searches being undertaken at the BTCC.

The Search COPD outlines the covert nature of staff searches, which are done with the knowledge of a select group of staff on a 'need to know' basis. This ensures the integrity of the search operation, for the security of the centre.

CCO [REDACTED] admitted to notifying staff, both at the centre and not yet on shift, of the searches occurring. He did so by phoning the staff within the centre, phoning a staff member out of the centre and asking him to post it on Facebook, notifying incoming staff via the pedestrian gate audio from the control room and posting it in a Facebook group shared by colleagues.

CCO [REDACTED] explained that he intended only to let everyone know so that the process would run smoothly and people were appropriately prepared, for instance having their identification on them and not having excess items in their bags. CCO [REDACTED] did not contend to have any express authority to do so, although he outlined that instructions given to staff after a recent security incident were to maintain vigilance in checking bags, ensuring staff have their identification, checking security equipment is returned, and such.

There was no evidence that CCO [REDACTED] knew or was involved in anyone attempting to introduce contraband in to or take anything out of the centre. CCO [REDACTED] agreed that his actions could potentially compromise an intelligence operation and the security of the centre, which he stated that he recognises in hindsight.

The investigation concluded that on the evidence adduced and on the balance of probabilities, the allegation that on 9 March 2017 without authority CCO [REDACTED] notified staff of staff searches being undertaken at the BTCC **is capable of being substantiated**.

[REDACTED] gave further consideration to CCO [REDACTED] suspension in light of the conclusions in regard to the level of risk CCO [REDACTED] would appear to pose to the centre, and returned him to duty on 9 June 2017.

On 20 June 2017 the investigation report was provided to the CCC for review. On 8 August 2017 the CCC advised that the CCC concurs with the conclusions, and it considers that CCO [REDACTED] motivation for his conduct is largely irrelevant and the excuses provided do not mitigate his behaviour; and that he was in breach of policy and placed the BTCC at risk and may have prevented the success of an intelligence driven operation. Accordingly, the CCC's view is that you should now consider disciplinary action against CCO [REDACTED]

The CCC also identified concerns (attached) in relation to the apparent ease with which the MCR officer is able to notify other officers of the searches. The CCC

[REDACTED]
[REDACTED]

requested the Department propose action to address this apparent systemic issue, recommending that all correctional centres "put in place an operational plan so that when bag searches are undertaken arrangements are made to appoint a trusted officer to oversee and adequately manage the relevant control room to prevent further incidents of this nature." I understand that management and intelligence staff are not generally trained and/or current in control room operation this would amount to an additional manager or intelligence staff member being called to attend the centre well before their usual hours of work in order to observe a trained CCO operating the control room. Further, the same risks may apply to other staff for example gate staff or incoming/outgoing staff advising colleagues of the searches.

You may propose an alternative, for instance, the Search COPD be amended to require that the Operational Plan for the relevant search is to include a risk management strategy to maintain the covert nature of the search. This may include for instance, the most senior manager involved in the search attending to the gate staff and control room officer upon arrival to advise them that searches are commencing and they are not to notify staff upon arrival, and that they are to report any observed suspicious behaviour; and as applicable, advise those staff that audio and video footage may be examined at the conclusion of the search to ensure integrity was maintained. The accountabilities in the Search COPD may also be amended to reflect the role of all staff becoming aware of the searches to uphold the covert nature of such searches and report any suspicious behaviour, for the safety and security of the centre.

RECOMMENDATION

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

- 1. Commence disciplinary proceedings against CCO [REDACTED]

YES / ~~NO~~ (Please circle); AND

- 2. In relation to the identified systemic issue:

- a. Direct that the CCC's recommendation is implemented;

YES / NO (Please circle); OR

- b. Direct that the alternative recommendation described above is implemented;

YES / ~~NO~~ (Please circle); OR

- 3. Determine an alternative path.

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

Approved Not Approved
Signed: [REDACTED]
Date: [REDACTED]

Briefing Officer: [REDACTED]

Telephone: [REDACTED]