



CRIME AND CORRUPTION COMMISSION

TRANSCRIPT OF INVESTIGATIVE HEARING

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FORTITUDE VALLEY WITH RESPECT TO

File No: CO-18-0360

TASKFORCE FLAXTON
HEARING NO: 18/0003

20 DAY 4 – THURSDAY 17 MAY 2018
(DURATION: 1HR 12 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 – LIZ BARTLETT
W Witness – GLENN HORTON
PC Legal Representative – Ms P CLOHESSY, Crown Law
AS A J SMITH, GEO Group Legal (GEO Group)

- PO Good morning. Thanks, Mr RICE.
- CA Mr Commissioner, there is one witness whose evidence has been scheduled for today. That will occupy part of the morning, and then, at the conclusion of that, it is proposed to adjourn and resume the hearings tomorrow morning.
- 10 PO Certainly. Thank you.
- CA I call Glenn HORTON.
- PO Would you prefer an oath or an affirmation?
- W I'm good for an oath, thanks.
- HRO Please take the Bible in your right hand and repeat after me.
- 20 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.
- PO Have a seat. Thank you.
- CA Is your name Glenn HORTON?
- W Yes, it is. Glenn HORTON.
- CA You are a Chief Superintendent of Queensland Police; is that correct?
- 30 W That's right. I'm the Commander of the Internal Investigations Group, Ethical Standards Command, QPS.
- CA You have been given a notice to attend the inquiry, have you not?
- W I have.
- CA Can I show you this copy.
- W Yes. That is the notice to attend.
- 40 CA I tender that, Commissioner.
- PO Exhibit 39.
- ADMITTED AND MARKED EXHIBIT 39
- CA You would be aware, I think, that a submission has been made to the inquiry on behalf of the Queensland Police Service?
- 50 W Yes, I am.
- CA Can I show you this copy.
- W Yes, that's the submission.
- CA I tender that submission.

PO Exhibit 40.

ADMITTED AND MARKED EXHIBIT 40

CA You would be aware, I think, even from the terms of the submission, Mr HORTON, that the area of interest is with respect to the functions and operations of the Corrective Services Investigation Unit?

10 W Yes, I am.

CA Does that fall within Ethical Standards Command?

W No, it doesn't. It's part of the QPS, our state crime operations area, so it's an adjacent command, or a senior organisational area that looks after it.

CA Can I ask if you feel able to assist with information about the functions and operations of that unit?

20 W Yes. I don't have first-hand, direct experience of the operation, but I have - I've been briefed by my colleagues and selected by the service to represent the position and the range of experiences and observations that the Corrective Services Investigation Unit have made over quite a number of years.

CA You may have some notes, I think, to assist you; is that right?

W I have.

30 CA Feel free to refer to that.

W Thank you.

CA Can I ask you firstly, then, what is the role of the Corrective Services Intelligence Unit, which I will call CSIU?

40 W Yes, the corrective services unit works closely with corrective services. It represents the needs of both the QPS and corrective services to investigate criminal offences, to look at developing proactive strategies, to divert illicit drugs and deal with illicit drugs in prison, to provide a coordinated response to investigations between the two departments, to develop and maintain networks across the regional corrective centres across the state and the QPS, and is a point of contact for the QPS.

CA What is its focus in terms of area of criminal operation?

50 W At the moment, the major focus, or the focus over time has been predominantly investigation of deaths in custody, preventing drugs from entering correctional centres, early investigation of offences committed against custodial correction officers, enforcement of the *Dangerous Prisoners (Sexual Offenders) Act* and location of parole abscondee and escapees as well.

CA Is it concerned with criminal activity within correctional centres or more widely?

- W Generally within corrective services centres.
- CA What was the trigger for establishment of that unit, do you know?
- W It came back in 1988. There has always been a lot of work with QPS and corrective services. It was determined at the time by the then Commissioner and director-general/Commissioner, I think, that there would be efficiencies by having the two agencies work close together and having some dedicated QPS resources assigned to corrective services.
- 10 CA You speak of dedicated resources assigned to it. Can you give us some idea of the current strength of the unit?
- W At the moment, the allocated strength is 20, and there's 18 currently attached. The staffing model is 20 officers, with 18 actuals at the moment. Of course that fluctuates as people transfer in and out, are on leave or are on secondment.
- CA How is that strength structured?
- 20 W We have a detective inspector there, a detective senior sergeant, six detective sergeant investigators and ten plainclothes senior constables or detective senior constables.
- CA Where are they located, Mr HORTON?
- W They're on the south side of Brisbane, at Woolloongabba. They also work from Police Headquarters occasionally as well, so from offices there. Their remit is to work across the state, so that's just their office environment that's on the south side of Brisbane.
- 30 CA Could you explain the nature of the intersection that exists between CSIU and the Queensland Corrective Services Intelligence Group?
- W They do work together obtaining information on illicit drug supplies, emerging trends; crimes. There is a close working relationship between the two areas.
- CA Is there a memorandum of understanding between the Queensland Police Service and Queensland Corrective Services-
- 40 W There is.
- CA -concerning the joint operation, or the way in which the two areas intersect?
- W Yes, there is. There has been an MOU in place I think since-
- CA We'd just be interested about how that intersection is structured, firstly, and then we may talk about how it operates in practice.
- 50 W Okay. I probably don't have that level of detail, unfortunately, on the structure of the relationship there, unfortunately, personally.
- CA Are you aware of the establishment of what is called the Intelligence and Investigation Branch?

- W Within?
- CA Well, under the memorandum of agreement.
- W Not in detail, no.
- CA Can I suggest the components of that, existing underneath the authority of an executive director, are both the Queensland Corrective Services Intelligence Group, on the one hand, and CSIU, on the other?
- 10
- W Yes, I am aware of that.
- CA I want to drill down a little bit, if we can, on the way in which those two units intersect with a view to detection and prevention of crime in correctional centres.
- W As much as I'm aware, I'll try to answer the questions, but, again, I don't have that detailed first-hand knowledge, to a certain extent.
- 20
- CA Well, that was an invitation, actually, for you to answer. Are you able to?
- W Not in detail, no. Sorry. Probably not even in general at the moment.
- CA Okay. Let's perhaps talk about the sources of work for the unit. What's the principal source of investigative work for the CSIU?
- W Predominantly at the moment criminal offences, deaths in custody, use of force, would dominate, followed by illicit substances, drugs, followed by abscondee, parole offenders.
- 30
- CA Does the unit operate on the basis of response to complaints and referrals, or does it have a proactive function?
- W It does have a proactive function. There's information that comes internally via QPS through our own intelligence networks about criminal networks within prisons. They can react to, and initiate, but much of the work comes from within the corrective services environment itself. So, referrals from corrective services about offences against officers, complaints raised by prisoners, and intelligence that we receive from corrective services on offences occurring.
- 40
- CA Can we talk about the first of those. The unit receives referrals, does it not, from Queensland Corrective Services under sections 113 and 114 of the *Corrective Services Act*?
- W Yes.
- CA Those sections, in combination, allow for, and perhaps require, referral of allegations which may involve either a disciplinary offence or a criminal offence?
- 50
- W Yes.
- CA To the Queensland Police; is that how it works?

- W Yes, that's right.
- CA Are you able to explain how that process works in practice?
- W As the information is passed across to QPS via the IOMS, the Integrated Offender Management System, from corrective services, it's raised by officers there. Staff from CSIU assess the matters, look at the seriousness, the criminality, and make a determination, if they have the delegation, on whether QPS will take action, if it's a criminal matter, or refer it back to corrective services to deal with it from a disciplinary perspective. The operations coordinator within CSIU will make an assessment, a judgment, as that information comes through and determine what level of seriousness or priority should be given, and whether CSIU will look after it, or whether it will be referred back.
- 10
- CA Who is delegated to make that decision on whether a matter will be accepted for investigation or returned to QCS?
- W The delegation currently sits with the detective inspector of the CSIU, and the detective senior sergeant as well, so the two senior officers at the unit.
- 20
- CA Do you know what volume of referrals of that kind under those sections are made, say, on a weekly basis, on average?
- W Yes. About 150 to 200 matters per week.
- CA Decisions on each of those matters have to be made, don't they, by one or other of the two delegates?
- 30
- W Yes.
- CA We're talking potentially, are we, on a five-day week, maybe 40 a day?
- W Potentially, yes.
- CA Do you know what proportion, on average, would be accepted as opposed to returned to QCS?
- W Unfortunately, I don't, no.
- 40
- CA Do you have any idea of the parameters of that?
- W No, sorry.
- CA Do you know what demands, assessment of that volume of complaints, makes on the delegates?
- W It would be a substantial part of their work. Sometimes that assessment may not be made at the same time. Additional information might be required. So I don't know what the assessment policy or the procedure is in detail.
- 50
- CA Do you know what the turn-around time would be on the receipt of those referrals?
- W No, I don't have any averages. I couldn't tell you with any detail, sorry.

- CA Can you tell us by what means the information comprising a referral is conveyed to the unit?
- W Generally it comes across electronically via the IOMS system, so the CSIU staff do have access to that.
- CA Has there been any dialogue in the lifetime of the unit concerning limiting the kinds of matters that may be referred to CSIU for decision?
- 10 W There have been. So, to set up a triage point, for the minor matters to be not referred on. There have been a number of discussions to determine what will be excluded from that referral.
- CA Have there been some categories of exclusion from the referral that have been negotiated to date?
- W There have been. For example, self-harm in single-occupancy cells, where there is little risk or a suspicion raised that another person or offender might be involved. Prison alcohol brews. Low-value wilful damages. Diverted medication. Dealing with prohibited items and things, some classifications, such as needles or syringes, and dealing with other prohibited items such as tattoo guns. That has changed over time. As minor items are identified that could be better dealt with in the corrective services environment, that has been discussed between CSIU and corrective services.
- 20 CA Do we take it that even with the exclusion of those categories negotiated to date, there are still of the order of 150 to 200 referrals per week?
- 30 W That's right.
- CA Is there scope, do you know, for further discussion in terms of prioritisation of what is referred by QCS for the attention of CSIU?
- W Certainly. There's always that ability.
- CA Do you know whether that has been seriously considered, or some proactive steps have been taken in that regard?
- 40 W Well, the excluded items, at the moment, were the result of those previous discussions, and that's ongoing. I'm not sure - I'm not aware of what else might be being discussed at the moment.
- CA Does the work of the delegates simply in processing that volume of referrals impact on their capacity to give direction to the intelligence and investigative functions that are required to be carried out?
- W It's part and parcel. They're both the two leadership positions of the CSIU. It takes a fair burden of their time, but it's a requirement to understand what's arriving, what's triaged, what needs investigating to the unit, to help them give direction to the subordinate staff, the investigators, so they're very closely related.
- 50 CA Are you able to express any view on behalf of those who receive these referrals from QCS as to whether there could be some better prioritisation

or triaging prior to referral?

W Yes. In my briefings from staff, they raise the increase in referrals over years, the resource pressures on the CSIU, and that there needs to be a better governance policy, procedure, arrangement at the corrective services end about what they deal with, what they refer, how they're managed.

10 CA There is some form of assessment process at the QCS end, is there not?

W I understand there is, yes.

CA Even under the Act, section 114, the Chief Executive or delegate has to consider whether such a referral would be made, and, if appropriate, to do so. So there is some filtering at that stage, but the volume suggests the filtering is of a very liberal kind?

20 W Yes, and the CSIU staff have raised concerns of the lack of accurate policy or direction internally that allows corrective services staff to make a decision on what is referred, how it's referred, to assist their decision making. It's irregular across the state.

CA Do you know whether the volume of referrals that are received in that way actually comprise conduct which could constitute a criminal offence, or is a proportion of them purely disciplinary in kind, which really ought to be weeded out? Do you know the answer to that?

30 W Well, a bit of both. So there's matters there that are certainly criminal, and there's others there that will be weeded out, as you say, or triaged and referred back to corrective services. There's minor matters that could be dealt with from a disciplinary, administrative, perspective. Unfortunately, I don't have the ratios or percentage of those. We would be able to obtain those.

CA Of those that may qualify as criminal conduct, and are accepted as such by the unit, do they all then result in investigation, or is there some further discretion applied within your unit as to whether potentially criminal conduct will in fact be investigated?

40 W No, there is discretion there, like most discretion used with criminal investigations in the QPS. There's the initial assessment that we should have a look at something. We'll deal with it from a criminal perspective. There may be some inquiries undertaken. There may be an early determination to proceed no further and to not pursue it, or to refer it back to corrective services.

CA By their nature, are those referrals concerned with prisoner conduct?

50 W Yes, they can be, yes.

CA I was really asking whether they're confined to prisoner conduct or whether the referrals that you get from IOMS, QCS, are more broad than that?

W They can also involve corrective services officers' conduct as well. I don't know whether we're getting - unfortunately, I can't advise whether that's

coming via IOMS, any corrective services criminal conduct, or whether we're getting it via other channels.

CA The structure of sections 113 and 114 would suggest that insofar as they deal with conduct which may be a breach or a criminal offence, then we're talking about prisoner conduct?

W Yes.

10 CA There is a considerable volume of that, as we've discussed. What other sources of referral are there beyond that kind of thing that may simply amount to a breach of discipline?

W Are you asking what areas the complaints may come from?

CA What kinds of matters and where they come from, yes.

20 W The areas they may come from - the sorts of matters that we could be referred - excessive use of force is probably one of the most significant ones, given the environment that we're working in.

CA Just dealing with that, if I can ask you to pause there, allegations of excessive use of force - typically, who would be the complainant or referring person for an allegation like that?

30 W It would generally be a prisoner or somebody who's in custody, so the excessive force by a member of the state, a member of corrective services, whilst an assault on a corrective services officer by a prisoner would come in as an assault complaint, so common assault, bodily harm.

CA A complaint of that kind, does that come directly to CSIU from a prisoner or via some other channel?

W It could come via other channels or it could come from prisoners themselves.

CA And other sources?

40 W Yes, other sources. There's a lot of pathways of complaints coming to the QPS. IOMS is the first one. Intelligence reports referred to the CSIU from corrective services. Matters referred from the Crime and Corruption Commission. Office of the Chief Inspector can refer matters to CSIU. We get reports via Crime Stoppers; general external correspondence coming through to the QPS. Prisoner advocacy groups, Sisters Inside, that may raise issues with us as well. Queensland Health referrals, other departments, could provide advice to us. Areas such as ATSILS and other external advocacy agencies. Interstate law enforcement agencies, or the Commonwealth, or referrals internally from within the QPS, so where other areas outside of the CSIU where policing units have identified some crimes, internally we could refer that to the CSIU as well.

50

CA Accepting that there is an element of investigative or prosecution discretion, are you able to say whether the strength of the CSIU is sufficient to appropriately deal with those matters which properly fall within the investigative discretion?

- W That's a difficult judgment to make. I think if you-
- CA Well, people would have a sense of it on the floor, wouldn't they?
- W Yes.
- CA Those who work there would know whether they're able to do a proper job or not?
- 10 W The advice I've received is, yes, the unit does suffer some resource pressure, so it's a busy environment. There's a heavy workload there. They could use more staff. But having said that, there would be many other areas of the QPS that would probably raise the same issues.
- CA But if that be so, what is the consequence in terms of - how are those pressures dealt with? Does that mean that a range of things are investigated more thinly than they would be, or perhaps some matters that might otherwise be investigated are not? Can you just tell us what the implications would be on feedback from your colleagues?
- 20 W Certainly, and I'll talk more generally to this as well. Where we have resource restrictions or a resource base, and there's a lot of work coming through, complaints coming through, generally the more serious jobs are prioritised, or the more serious complaints are prioritised; they're allocated to more staff to do. Some complaints that might be seen as less adverse or minor can be slowed down or could take longer to do. The entire workload will be case managed. Some will be given priority. Inevitably, some will get a lesser priority or take longer to do. I won't comment on whether something would be treated more leniently or not given enough investigative rigour, because I just don't know that, unfortunately, but it has been raised with me that there are some pressures there that impact on workload.
- 30 CA Does the unit outsource any matters that it might wish to have investigated but are not prioritised highly enough, given the strength of the unit, to other parts of QPS?
- W Yes. The QPS is a broad church. There's other resources, specialist areas here in Brisbane, with the homicide squad, for instance, where there might be a death in custody, that will become involved, or other regional criminal investigation branches that can assist as well, partnering up - probably more partnering up rather than doing a direct referral.
- 40 CA Would that go to specialist unit or, say, to local police near to a centre?
- W It could go - if it was a significant event, like a homicide, it would go to a specialist unit based in Brisbane. Otherwise-
- CA They're very rare, though, aren't they?
- 50 W Yes. Otherwise, it would be regional police criminal investigation branch or a CPIU, so a child protection investigation unit, depending on the nature of the complaint, the prisoner or the offenders.
- CA Are there any joint operations ever conducted with QCS, do you know?

- W There would be. I'm just not familiar with what - I don't have any examples of those, unfortunately.
- CA There's no impediment to that occurring, though?
- W No. Part of the role of the CSIU is to help build capacity within corrective services. So the transfer of skills, assisting with training, working together, I think, would be very valuable.
- 10 CA What does that building of capacity translate to in practice? Is there some strategy for that?
- W Generally it's the liaison and the networking that goes between them at the moment. QPS has a lot of experience in investigations, ethical frameworks, corruption prevention. We've got a lot of very rigorous policies, procedures and systems, so we're always talking - or the corrective services staff have talked about or briefed me on the advice they give to corrective services on how they can do things better; given them examples, given them copies of our policies, for instance, inappropriate relationships, declare all associations. So the sharing of good practice, procedures and investigation techniques.
- 20 CA Is the unit co-located with any QCS staff?
- W I believe there are some co-located with the unit, but I don't have those details, unfortunately.
- CA In terms of this capacity building, I appreciate in an electronic age communication is easier than it once was, but I'm interested in the mechanism by which that capacity is built, whether it depends on personal interaction through co-location or how it's achieved, if that's not the case?
- 30 W I understand it's more through relationships one on one rather than electronic systems. I've been briefed - we have provided a lot of material to QCS, but there has been a slow adoption of some of that material. There has been some concern raised by the CSIU about the detail that they may have at the assessment and investigation side for corrective services. There's also some weaknesses, I think, in the systems, the ICT systems, that corrective services use.
- 40 CA Presumably there is some performance management of the unit itself or some performance measures, do you know?
- W At CSIU, there would be, yes. They fall within our Crime Command based here in Brisbane. There's a governance arrangement above that with a senior police officer that overview their operations.
- CA Are you able to say what measures of performance exist in relation to that unit?
- 50 W Unfortunately, no. I don't have that readily available. I could obtain that.
- CA Whatever they may be, do you have information on whether the unit's performance has satisfied those measures to date?
- W I can't comment, unfortunately. Just because I don't have that information

in front of me.

CA Can I ask you about one area of investigation, or one area of activity, criminal activity, that occurs within correctional centres, and it concerns detection of drugs.

W Yes.

10 CA Are you able to say what the principal means of introduction or attempted introduction of drugs in a correctional centre are?

W I've been advised that it's one - or the principal means, or one of the major means, is via visitation, so visitors bringing secreted drugs into corrective services, as well as the mail system as well, but generally via visitations.

CA To what extent is the CSIU involved in investigations of introductions of drugs, for example, by mail, within the centres?

20 W They do get referrals from corrective services on mail. I don't know what the volume is or how those referrals are made.

CA Do you know to what extent that kind of work is accepted by CSIU and, if not, why not?

W Could you elaborate, sorry?

CA Introductions of contraband, say drugs, through the mail-

W Yes.

30

CA -might typically be frequent but not great quantities, but, nonetheless, criminal conduct.

W Yes.

CA I'm interested to know how that is viewed, or what contribution CSIU makes, to investigation of that kind of matter, given relatively high volume compared to relatively low quantity?

40 W It's treated seriously. The matters are investigated. I probably can't go much further than that in terms of detail, unfortunately.

CA CSIU has not only an investigative function but also an intelligence function; is that right?

W Yes.

CA It intersects with the Queensland Corrective Services investigation group in that way also?

50

W I understand so, yes.

CA Can you tell us if there is a ready and free mechanism for exchange of intelligence between the two?

W I've been briefed that there is, but I don't know how that works,

unfortunately.

CA Do we take it that the theory at least and the practice is that there ought to be such free and ready exchange?

W Sharing between agencies, yes.

CA If we were to look more closely to see how effective that is, by the sound of it, we'd need to ask someone else?

10

W Yes, for some detail.

CA All right. Is there any feedback from members of the unit as to the effectiveness of intelligence exchange with QCS, or do you get information that there are improvements to be made, I'm just interested to know?

W Yes, there were concerns raised during my briefings that it's not as effective as it should be, that the intelligence collection reporting systems at corrective services aren't very strong, need some updating, and that the quality of information coming across to QPS isn't as strong as it could be. So there are a lot of improvements that could be made.

20

CA If those things are noted, ideally they would translate into dialogue, particularly in an MOU situation where two agencies are working together to achieve a joint desirable outcome. Do you know what dialogue may have occurred concerning building capacity, building intelligence capacity in this instance, with QCS?

30

W I understand there has been advice given to them in recent years or over a period of time on how they could improve their systems between the CSIU staff and the intelligence staff at corrective services.

CA It sounds, from what you tell us, though, that it remains the case that concerns continue to be expressed?

W That's correct. There are some frustrations raised that the capacity or development hasn't occurred as quickly as it could have. Inevitably, I think often staff will compare the way work is done with their own agencies. QPS has got its own intelligence systems; a dedicated intelligence command. There have been a lot of developments in recent years, and when staff compare that to what other agencies might have, there can be-

40

CA Are your systems more sophisticated?

W We believe they are, yes.

CA And better developed?

50

W Better ICT systems, more dedicated staff and resources, and we have an intelligence command and a network across the state. Across government, we've probably got some of the best range of criminal intelligence systems available, yes.

CA That's probably to be expected, Mr HORTON.

- W Yes, given the nature of our work and the resources we put into it.
- CA Having achieved that level of development and sophistication, would it be correct to say that it places you well in terms of trying to impart the good qualities that you've developed to another agency-
- W Yes, that's right.
- 10 CA -interested in similar development?
- W Yes. As I mentioned before, the provision of advice, the giving of examples, the suggestions on how improvements could be made, is part and parcel of the business there.
- 20 We've also got a lot of networks or embedded specialist staff across the QPS. For instance, with our intelligence networks, it's not just a centralised arrangement. We have intelligence officers within regions and districts as well. Likewise for our internal investigations, we have professional practice managers outsourced and embedded into places across the QPS, so we're very regionally based. I understand corrective services has a more centralised model and there's not as many specialist staff placed within their centres.
- CA Is it a matter of training or is it a matter of the infrastructure for gathering and assessing intelligence?
- W It's both. It's having the systems in place, so having the people understand what intelligence is and how to collect it. Having intelligence able to be received and be provided by different agents; where, then, it's captured, how it's assessed, how it's transferred. So there's a lot of work to go into designing an effective intelligence system.
- 30 CA I just notice, since we're talking about that, within the submission, under question 2, which is derived from the Commission's issues paper, the question was: "What are the most significant corruption risks in Queensland correctional facilities?" The third and fourth dot points, by way of response to that, raise questions pertaining to the systems of intelligence management and the integrity thereof?
- 40 W Yes, that's correct.
- CA Are you able to say what the reference to poor systems to manage intelligence consists of?
- W The CSIU staff identified that one significant matter is the lack of security of information, so where it's stored, who can access it. That can then lead to a lack of integrity in a system where people don't want to provide information because they think it's insecure.
- 50 CA What is the storehouse of intelligence, in what form? Does it go into IOMS, for example, or is it dealt with separately, do you know?
- W Not in detail. I understand there is some electronic capture. Some of it is in IOMS. It does get-

- CA Is that typically how intelligence is captured electronically?
- W We do have it within QPS in electronic form. I'm not sure, I think there's some paper-based reporting within corrective services as well, and there's a lack of security with the information.
- CA How so? Simply because more people can access that information than need to - is that the situation?
- 10 W That's right. I've been briefed that there's poor access controls on the information, so audit trails aren't as strong as they could be. Access to staff into types of information aren't restricted, so the databases they have are more general than specific.
- CA And intelligence, would that typically come from a prisoner?
- W It could, yes.
- CA Could?
- 20 W Or ex-prisoner or externally as well. If it's coming from a prisoner internally, and that intelligence has been captured within corrective services, it will be recorded on the corrective services systems.
- CA Perhaps not always, but, very often, intelligence comes from sources who don't want their identity to be disclosed. Is that your experience?
- W Most often that's the case, yes.
- 30 CA That would apply to intelligence gathered by QCS also?
- W Yes, certainly.
- CA Making security an important feature of management of intelligence information?
- W It is, to provide integrity to the system, to allow people to have faith and confidence that the information they're giving is being kept in confidence, is secure and being actioned.
- 40 CA That kind of integrity is not perhaps what it might be in QCS, from what you say?
- W That's right. I have been briefed that the ICT systems, IOMS, and some of the technology isn't strong enough to restrict access to classifications of information. Within QPS, we've got large databases. The more sensitive information we can put specific access controls on portions, so people have general access to a broad range of information, and then it's a need to know. So we can restrict it. I understand the corrective services systems, the legacy systems aren't as sophisticated and don't allow that level of security, and can possibly expose that information captured or the intelligence to parties that shouldn't be seeing it, and could then compromise that intelligence or investigations.
- 50 CA And, if so, it opens the potential, does it, to wider circulation of that information beyond the person who might initially access it, without

having a need to?

W Yes, that's right, and therefore to potentially compromise the source or endanger the source as well.

CA Would that be a particularly dangerous outcome within a prison environment?

10 W I think it would be more amplified in a prison environment than in the broader community, yes.

CA In that same sequence of dot points from the submission that I was referring to, the next one following lack of integrity in information and intelligence management systems is a lack of integrity in reporting systems. Is that related in some way, do you know?

20 W It is. As CSIU staff do do investigations and explore matters, look for ancillary offences, look for links, look for causation, they've discovered other matters that have been unreported, or not referred to the CSIU. Likewise, speaking to witnesses, speaking to informants and intelligence sources, they've discovered that there are other matters that haven't been reported that they've discovered during their subsequent investigations. So there is a large level of unreported matters being captured at the corrective services level and not flowing through to the QPS CSIU.

CA That invites the question of what kind they may be. Do you know?

W I don't know in detail, but they will be a range of matters.

30 CA Concerning conduct by whom?

W By - it would be generally from - it would be generally by a corrective services officer against prisoners. So, excessive use of force or assaults. My understanding or my briefings are that offences committed by prisoners against corrective services officers, there is a general level of reporting compliance there or regular reporting, but offences against prisoners, there's a suspicion or a belief that there's some under-reporting happening there.

40 CA To what degree has that been reported to you as an issue, are you able to measure it for us?

W I don't have any metrics, unfortunately, that I can put on there because I don't think those metrics exist.

CA Even by way of feedback without data?

50 W It's concerning. There's a strong suspicion that there's under-reporting both within the systems, IOMS, at corrective services, and not being captured by IOMS as well.

CA If that be the case, and again within the environment of joint responsibility for intelligence within correctional centres, is that an area where QPS has responded in some proactive way to interact with the appropriate people from QCS to rectify that or improve it?

- W Yes. I understand there has been advice given to the corrective services intelligence environment generally on improving systems and culture and processes, training, staffing, but there is some concern that that hasn't been adopted or taken up as much as it could be or should be by corrective services.
- CA Have you had reports from those directly concerned as to the ways in which there might be incorrect reporting of incidents?
- 10 W Not in detail, no. I have had some discussions with the CSIU staff. I couldn't give you any concrete examples.
- CA Can we go back a little bit in the submission to a couple of points that are raised under issue 1 in the submission. In fact, it's the first couple of dot points under the heading of "Assaults/excessive use of force".
- W Yes.
- 20 CA The submission is in terms that there are a number of factors which may account for the increase in allegations received, that is, received by the Crime and Corruption Commission, and a list of points follows. Can you tell us whether that list is one that exists in theory or whether the matters listed there are in fact based on at least experience and reporting from those involved in the CSIU?
- W Yes. I asked that question. It's not theoretical. It's based on experience and observations over a lengthy period of time.
- 30 CA Do they represent in a caption form effectively a list of those matters that have been identified by persons who work or have worked in CSIU?
- W They do. They're a collective experience base, and observations from over a long period of time, with a lot of staff that have worked there.
- CA Would it be fair to say it's perhaps impressionistic rather than evidence based?
- W Yes.
- 40 CA But nonetheless the result of feedback from combined experience?
- W That's correct, yes.
- CA The first two matters that are raised under the heading of "Excessive use of force" concern the impact of increasing prisoner population. Do you have any greater comment than appears in the submission there about the impact of increasing prisoner population on the use of force by correctional officers?
- 50 W No, I don't have any metrics, unfortunately, or any further comments on that, or any further information that I can speak to.
- CA Another area occurs a little later in the submission concerning what's described as "Misuse of information". Do we take it, again, that the matters that appear there in caption form represent the reporting back from combined experience of the CSIU unit about those matters?

- W Yes.
- CA A suggestion that's made there is that there may be what's described as an organisational culture issue, perhaps concerning inappropriate access to information by QCS employees. Is that the experience of your members?
- 10 W Yes. The staff have discussed with me that there appears to be a general belief from corrective services officers that they've got a right to look at information recorded on prisoners across the system, so rather than on a need to know basis or as part of the performance of their duties, they've got ready access and that there's a more casual approach to what they can look at than should be the case.
- CA That perhaps may be tied up with the level of access to which they are in fact given by the system?
- 20 W I believe that's the case. So without any controls, restrictions, or some standards that explain what can be accessed and what can't, if the system is giving you a broad-based approach to a lot of information-
- CA The system's giving you access-
- W -it would nearly be an expectation by staff that if the system allows us to access, we're allowed to see it.
- CA Is that the feedback that you get as to the origin of that cultural issue?
- 30 W Yes. The feedback from staff was that it's both a systems issue but also a broader cultural approach that has been longstanding within corrective services about staff should have general access to information on prisoners, they should be allowed to see, both from an officer safety perspective and a general custodial management perspective, who prisoners are, what their history is, where they're from, what their medication is, what restrictions are there, and that not just the systems, but the policies and procedures aren't directive or prescriptive enough to say to people - or to let people know what they can't access.
- 40 CA How would that compare with information management within QPS?
- W I believe QPS, like many other government departments, have taken a strong approach to information security in recent years. So the last two and three years, we've put a very strong regime of information management, privacy controls, over our systems. Our systems have a lot more restrictions and classifications on them. From a cultural perspective, and a guidance to officers, there's a very strong cultural about you only look at what you need to see, and there's a very strong reporting culture of that in place. So if somebody is detected looking at something inappropriately, staff will self-report now, or other staff they identify will report, or pick it up from a systems exception report as well.
- 50 I think from my substantial experience in the QPS, we've got some reasonably mature systems and processes and culture. My understanding from CSIU staff is that the corrective services information management environment is far more immature.

- CA Immature as it may be, you've at least given some reasons why QCS staff may feel that they are entitled to look at all manner of information.
- W Yes.
- CA But in the list of matters raised in the submission, the very next one is that one of the features of this culture may be that there is indeed a lack of engagement by staff and using it really purely for browsing purposes?
- 10 W Yes, that's the experience of corrective services staff talking to - sorry, CSIU staff talking to corrective services. There's a lot of general curiosity-type access to information there. Staff will openly discuss that they've looked at prisoner records.
- CA Not only look, but discuss?
- W Yes, openly between them, with no apparent official purpose.
- 20 CA Are you able to comment on the impact of circulation of that kind of information within a prison on a particular prisoner to whom the information may relate?
- W I think it will go back to the discussion earlier on. Whether it's intelligence or whether it's part of your permanent prison record, breaches of privacy, feelings of betrayal, feelings of disempowerment would come about from having a prisoner become aware that someone is discussing their medication, their personal circumstances, their visitations, their reason for being in prison, and I think it can compromise the integrity of the system and lead to some safety concerns.
- 30 CA Are you aware of whether there have been any prosecutions by QPS of QCS staff for information misuse?
- W For information misuse, no, I'm not. Not directly.
- CA Or inappropriate access, this broad area that we're speaking of - access and misuse of information?
- 40 W It has been identified. CSIU staff are aware of it and have raised it with corrective services, but I'm unaware of the outcome of those. So whether corrective services have taken disciplinary action - and I don't know whether QPS have taken action regarding any criminal charges as well, I don't have that information, unfortunately.
- CA Can I ask you, then, insofar as the QPS, in some instances, at least, perhaps with more sophisticated systems and intelligence handling of other kinds of data, whether there are any formal channels for exchange of experience so as to improve the QCS systems?
- 50 W I think the formal channels would be the relationship between CSIU and corrective services.
- CA Under the MOU?
- W Under the MOU. There's enough-

- CA Enough scope?
- W There's enough capacity there to transfer information, or where there's specialist resources or advice that the QPS can give, to refer that internally to QPS to provide that. For instance, intelligence or information management, professional management of informants, or inappropriate relationships, QPS has a lot of experience in that, so the CSIU unit have got enough capacity to tap into the QPS and draw down and provide that to corrective services.
- 10 CA A little later in the submission, under issue number 3, which is "What factors create a corruption risk", can I ask you about a couple of matters that are noted in the list there?
- W Yes, certainly.
- CA One of the early points in that list is what's described as a lack of vision, transparency of issues and inconsistent reporting. Is that the same issue as was dealt with earlier under risks of corruption?
- 20 W Yes. As staff, or CSIU staff, are conducting investigations of matters, they uncover or discover other complaints or offences that haven't been recorded, that have been unreported, or reported up through the corrective services but never been referred to the CSIU.
- CA The next thing that's noted as a corruption risk is what's described as limited mobility of QCS staff to work within multiple centres. What is the experience of your unit members on that issue?
- 30 W It's that the relationships between staff, corrective services staff, working in one centre over time, particularly if there's a poor ethical culture there or there's inappropriate practices - those bonds and relationships and lack of mobility can reinforce that inappropriate behaviour or heighten the ability for corruption to occur. So more mobility, more transfer of people, or corrective services staff between facilities, we can break those inappropriate bonds. The inability to move staff around can cause a risk.
- CA Has this issue of length of time in a particular set of duties been addressed by QPS over the years?
- 40 W Yes.
- CA So as to form a view about what is desirable and what's not?
- W Yes. We do have minimum and maximum tenures in some areas. We do restrictions on duty in certain areas. Where we've got a high-risk environment, surveillance, covert services, some of the specialist services squads, even areas like the Crime and Corruption Commission, we will restrict the tenure of officers being in those environments and move them around.
- 50 We also actively look at the complaints against officers. We've got an intelligence - or a risk intelligence section that's within my command at Ethical Standards, where we'll look at high-risk officers. As we start to identify complaints coming through, we'll raise those as a risk report with district officers to say, we're getting close to a threshold here where we

think there's a problem with an officer, whether it is about the use of force, inappropriate behaviours, incivility. That allows the district officer to start putting a case management plan into practice to shift them around and, if need be, we can do a management initiated transfer to shift people in a non-punitive, non-discipline way, to try to mitigate risk.

I understand corrective services don't have that suite of options available. They've got more restrictive work practices CSIU staff have identified.

10 CA Perhaps you could tell us what risks would arise or could arise from great length of service in a particular location?

W There's a lack of visibility of changing practices, innovations in other centres. There's less transfer of ideas, changed behaviours, policy approaches. Corrective services staff identified that again, inevitably, compared to QPS, as they would speak with senior management or the executive management with corrective services, there would be a lot of support for some investigation or changes that are required in different areas, so very strong leadership focus, but as they would then go to different centres across the state, there are very strong cultures in different centres. So there's resistance to what corrective services senior management might see as important. There are very strong supervisor bonds and - I'm trying to find the word for it - not an openness to discuss with corrective services staff sometimes. So there's a climate of non-cooperation until they can get in and start developing some relationships in different prisons.

20

30 So compared to the QPS, where there's a very strong linkage in leadership from the executive right down to supervisors, there's pockets of culture within corrective services centres across the state that aren't aligned closely with where the organisation may be going.

CA QPS has a central command, which filters down through various tentacles but within the one organisation. Is that a fair comment?

W Yes.

40 CA Do you see any difference between that model and the way in which corrective services is structured, with its federated system of correctional centres?

W I asked that question. We drilled into a bit of detail when I had discussions with my colleagues. In theory, the structure should work in a similar way. As advice, policies and procedures, priorities are set by the organisation, they should flow right down. But CSIU has advised that, for some reason, that tends to break at the general manager level with corrective services. So the general managers are far more autonomous, have more control, set far greater direction within centres across the state than happens within QPS, so the bonds or the linkages there aren't as strong.

50

The consequences of that are that as they go to different centres, depending on the general manager, they can see some resistance, some slow adoption of changes that are being pushed down corporately. To do investigations there, that requires sometimes months of establishing and building relationships at particular centres to start an investigation, so it

has been identified a few times to me that as they arrive somewhere to do an excessive force investigation, or a corruption investigation, what they thought might take a couple of weeks could take months, just because it's difficult to penetrate the relationships or the tight bondings between corrective services staff and the management in different centres. So, often, they need to find someone who they can trust and they can develop trust within themselves to get an entry point into a prison.

10 CA I'm not sure I quite understand the significance of what you say in terms of finding a way to break into relationships to advance an investigation.

W So going back to the original comment about the lack of mobility within centres-

CA Yes, yes.

20 W -I think my staff have said that because corrective services staff have been in one area for so long, the bonds and the relationship between them are very strong.

CA Between whom?

W Between themselves, and it's difficult to get acceptance, so there's other ways and other priorities, and a need to allow investigators to come through and cooperate.

CA From what you say, that can have an impact on the progress of an investigation?

30 W It does.

CA Varying across centres?

W Yes, it does. There's certainly differences in approach between centres, more so than we see in QPS.

CA Why would an investigation take longer for that reason, can you explain?

40 W An example being given is that if there's covert strategies required within a prison environment, so rather than just a directed interview, there might be some informants need to be developed, some other surveillance practices need to be put into place, that requires very strong cooperation from corrective services officers to allow that to occur. They have access to cells, access to prisoners. People need to be transferred and interviewed by investigators in restricted environments, or protected environments, and if that's not done carefully, in cooperation with corrective services staff, it can defeat the strategy. Sometimes it has been difficult to get agreement with staff to allow that to occur.

50 CA Has that kind of difficulty, to your knowledge, impacted on an investigation to the extent that it was either significantly hindered or not able to be progressed?

W I understand that has been the case, yes. I don't have examples, but that has been raised with me, that investigations have been delayed and frustrated because of resistance from within some centres and some

individuals, or they've taken a lot longer to progress.

CA Is there any facility, then, to escalate that kind of an issue so that it is addressed rather than just left as a matter of frustration?

10 W Yes. What normally happens, I've been advised, is it can either be escalated back up to the senior executive of corrective services, but generally they've found the practice is they just work on gaining credibility with the general manager and corrective services staff there. So the best way forward is to not get a direction sent from the senior executive but to develop those relationships and work hard at making sure that they can work with those staff at corrective services. So invest the time into working through the individual personalities and intricacies that are there, rather than escalating it up to get an authority to come down.

CA Could both be done?

W They could be, yes, and I believe they have been.

20 CA Looking at that same list, as we were before, a little further down in the list there is reference to both recruitment and the susceptibility of new recruits. Is there any comment you can make about the extent of vetting of new recruits so that those who may be unsuitable, for whatever reason, including associations, are appropriately weeded out?

30 W Yes. The CSIU staff have identified the vetting process by corrective services isn't very strong. The questioning, the procedures, what they ask for applicants to disclose, how they manage possible inappropriate relationships post-engagement or employment, they don't have a system in place to deal with that, again, probably compared to what the QPS does. The difficulty or the susceptibility of new staff, what can put them at risk if you don't have a good mentor, coach, role model, that you're first working with, you don't have a very good foundation for the rest of your career.

40 So as a comparison, within QPS, we invest a lot of time into new staff. When they're first placed in the field, we have what we call a field training officer. So we have dedicated staff who we know provide the best practice example and role models for new staff. Staff work with them for the first three to six months, with a dedicated field training officer, a mentor, someone who is skilled at vesting in them the right abilities and culture and beliefs and values to do the job, and it's only after that that they start to go into the broader rostering pool to develop. I understand corrective services don't have a similar model in place.

CA In terms of the QPS practice, and the rationale for the kind of process you've described, is susceptibility to unethical behaviour a driver of the QPS approach?

50 W It is. We look at trying to identify applicants or onboarded staff at the preselection stage, at the training stage when they're at the academy, and then when they're being mentored in service as well. So if there is any unethical behaviours there at any stage, we're trying to capture those, change them, educate them, or identify that someone might be unsuitable to continue in the organisation or the service and be removed.

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CA That's the evidence, Commissioner. Thank you.

PO Thank you, Mr RICE.

Ms CLOHESSY, do you have anything?

PC No questions, thank you.

PO Mr SMITH?

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AS No questions, thank you.

PO You're off the hook, Mr HORTON. Thanks for coming. You are excused.

CA I ask that you adjourn until tomorrow morning, Mr Commissioner.

PO Thank you, Mr RICE. We will adjourn until 10 am tomorrow morning.

20 END OF SESSION

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