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CRIME AND CORRUPTION
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17 APR 2018
COMMISSION

CRIME & CORRUPTION COMMISSION  
GPO Box 3123  
BRISBANE 4001.

RE: OPERATION FLAXTON

03 April 2018.

Sir,

I am currently an inmate at Arthur Gorrie Correctional Centre having been returned to custody on 16 July 2015 after breaching my court ordered release requirements as ordered in October 2012.

I do not have an axe to grind.

I had previously been incarcerated here in Queensland for 15 years straight.

I believe I have good insights as to what constitutes failings by Corrective Services as a whole, and by such Centres empowered with the responsibilities to administer the incarceration of offenders via the Corrective Services Act 2006. (the Act).

I have served prison time in Woodford, Bracken, Gatton and Arthur Gorrie Correctional Centres over the years and such also gives me such insights as to my management of the Act.

I can only speak about events at Arthur Gorrie at present.

In the past 4 or 6 weeks Corrective Services Queensland personnel have been within Arthur Gorrie conducting compliance checks due to a possible hand-over to another private company or for Corrective Services Qld to take over such responsibility of the centre.

Yet the question is - why isn't a compliance officer attached to all correctional centres to manage and make sure the Act is administered as it should be?

Corrected Operations Practice Directives (COPD) dictates the requirements to be administered. I am also aware "local procedures or rules" are in play yet these do not lessen the correctional centre's responsibilities. They may in fact heighten the layered down policies and procedures established with these COPD's.

I find the question important as then the Government of the day can not distance itself to the happenings within all correctional centres. Indeed, they would be clearly informed and "be in the know".

In other words, such Government must take ownership and then rectify any failings that may exist or come to light in the course of daily operational business within its facilities.

At present this is not the case. Government have a duty of care to all who are employed by it, and in

thus instance, those incarcerated within its Centres. It is the same in all Government branches of responsibility.

And by design, each Correctional Centre must apply, and comply, to such Duty of Care requirements under the Act and such policies and procedures within the Act. In other words follow due processes.

Yet Arthur Gorrie is in a world of its own.

In this Centre, as indeed in others, there are incidents most days. However, it is the way such incidents are handled that is the issue.

Example. In 2017 (I can not be sure if it was mid year or earlier in the year) a severe incident took place in Unit Day (or Tango 4 as officers call it). Offender [REDACTED] was assaulted by another prisoner. [REDACTED] was in the wrong spot at the wrong time the other offender was Ventilating. Camera footage shows this.

[REDACTED] was hit to the ground by a couple of punches and whilst laying there, unconscious, he was kicked about the head and body.

A code was called by the unit officer ([REDACTED]) who was overseeing the morning medication run.

The perpetrator had gone outside into the yard and the unit officer cleared the area around [REDACTED] allowing few others to assist in first aid.

Once a code is called officers from other units come to the unit where the incident has happened.

However, on this occasion, it took officers upto 5 minutes to attend even including those from units 20 to 30 metres away.

Medical staff took 10-15 minutes to respond.

At no time was urgency shown until actual arrival and seeing the state [REDACTED] was in.

Meanwhile, the two offenders providing first aid had placed him in the recovery position then on his back with a towel rolled up under his head. [REDACTED]

was unconscious for a few minutes and severe swelling had formed around his face and head (it was later found he had fractures to the jaw in numerous areas that required surgery).

An ambulance was called once medical staff were on attendance which was at hand pretty quickly. It took medical staff some 10 minutes or more to stabilize [REDACTED] before he could be moved. This shows the severity of his condition.

The proposition is this: If a prison officer was in the position of [REDACTED] would such assistance be applied quicker and with more haste.

The answer is YES, because when an officer is down the code colour is RED. When an offender is down the code colour is YELLOW. When a medical issue/emergency is called the code colour is BLUE.

In [REDACTED] case no urgency was given or applied until medical staff actually arrived and took stock of the situation.

But this is not the only lack of Duty of Care.

In Units D4 and D5 there has been a major and persistent leak through the cracks and light fixtures, from the roof, each and every time it rains, or has rained, over the last 2 years.

Mornings have met with a ritual of mopping up the floors that are water logged and over flow from buckets catching the leaking water from the roof.

Maintenance is called upon, usually arriving a week later (at the time of this submission, it has been over ~~two~~ weeks and no maintenance staff has been onsite of the problem) and under takes quick fixes or band-aid fixes.

If has been so bad in the past that staff have resorted to undertake head counts, 1 bed checks during the night shift because of the amount of water covering the lower floor area.

They are worried about falling over and injuring themselves.

Let offenders are expected to clean up every morning and live with this issue.

Unit staff are hauled over the coals when they go beyond their requirement to e-mail the maintenance supervisor. They are not allowed to

go to the upper echelons of management within the Centre to get the issue addressed.

Management have this Sargent Shultz (a character out of the TV show Hogan's Heroes where he "knows nothing") approach and as such it rubs off onto the Inmates.

Therefore, does it take a serious injury or death to have such issues as this dealt with totally??

Is DUTY OF CARE just words written down ~~in~~ procedures or policies or manuals and applied to suit those who want it applied only?

Does this mean the Act, and such copy's, are used for the purposes of correctional authorities when they see fit for them to be applied for their own purposes??

Let's look at a recent event (I think it was in February 2018).

It was a Friday. Afternoon muster took place as normal at 4pm.

Daily lock away began at 4:10pm and was completed around 4:30pm.

No re-count was ordered. No abnormalities were in place it seemed.

Day shift officers took their leave from the Centre as normal at 5pm or a little later.

If day shift went home and night shift staff were then in place, then all must have been

correct for such handovers to take place. (I was in the military for 10 years so I know about handovers having to be "well and correct").

Yet there was a major problem. The count of prisoners at the 4pm muster and then the completion of the ~~lock~~ lock away had one ~~fall~~ figure whilst the Centre's state showed one extra prisoner.

So the counts were not correct. The head counts were not aligned to the actual state of the prison as it must be.

Night staff carried out bed checks / head counts every 2 hours, between 7:30 pm and 5:30 am the following morning.

Usually there is two such checks / counts - at 7:30 pm (or when all prisoners have been returned to the Centre from court appearances or PA Hospital requirements) and again at 4:30 am.

If they went on the Friday night in February was not correct at, and by, 5pm why would day shift staff be allowed to go home?

There was a discrepancy in the totals of what was counted and what the state should have been.

OR, the head count was correct yet the "state" incorrect.

This is a management issue. Like I have said, procedures are flexible when it suits those that make it go.

There is no accountability. If Management runs the prison like a Zoo then the animals will run free.

And such ~~non~~-accountability stems from the top of the Corrective Services Tower.

Take my situation. I was returned to custody in July 2015 (16<sup>th</sup>) with charges laid against me.

These charges were either "discontinued" or "dismissed" on 6<sup>th</sup> December 2016 and 17 March 2017.

I was sent here to Arthur Gorrie and a sentence management review took place in September 2015. Even though I was "on remand" for the charges, I was deemed to be serving a sentence based on the 10 year release order of the DPSA in effect until 2022.

This review was conducted by Office Sentence Management Services and took "effect 3<sup>rd</sup> September 2015.

A year later, Sentence Management Services undertook a yearly review again.

Such reviews are for classification and placement purposes an offender is subject to

every 12 months, or upon changes of circumstance, of their sentence..

This second review took "effect 13 October 2016" and both these reviews conducted in 2015 and 2016 were in accordance with section 12 of the Corrective Services Act 2006 (as was the September 2015 one) and in accordance with sections 12, 13, and 14 of the Corrective Services Act 2006 (as was the October 2016 one).

Therefore, whilst I was held in custody on remand due to the charges laid against me, I was also held in custody under the DPSA — both heard by the Magistrates Court and then the Supreme Court on 17 July 2015 — and the DPSA requirements override other matters before the courts. As such, every 12 months, or upon a change in circumstance, I would be subject to a review of classification and placement.

However, since October 2016 I have not been accorded such despite a change in circumstance occurring in March 2017 when the charges I was facing were discontinued (in the Brisbane District Court on 6<sup>th</sup> December 2016) or dismissed (in the Brisbane Magistrates Court on 17 March 2017). OR when the 12 months expired in October 2017 which should have triggered another yearly review of classification and placement.

So if Queensland Corrective Services can not uphold

their own Act, how are correctional centres expected to?

As a prisoner under the DPSOA, I am suppose to see, or be interviewed, by a psychologist at the Centre I am being housed "on a monthly basis" under COPD requirements for DPSOA prisoners."

This is a "requirement under COPD requirements" established by corrective services.

Yet in the 33 months I have been here at Arthur Gorrie Correctional Centre I have had such interviews under these COPD requirements - once in June 2017 and twice in July 2017.

(I did request, and was graciously granted, an interview on 9 October 2017 to discuss the Supreme Court hearing of 3 October 2017 of my DPSOA release order from 2012).

Like I said, if Corrective Services themselves can not adhere to the Act and conduct their business appropriately, then it is a bit hard to expect personnel within State run, or privately run, Correctional centres to do so.

Yet everyone in corrective services has a way of interpreting the non-interpretable.

I can be contactable at above address.  
Yours sincerely

[REDACTED]

03 April 2018.