CRIME AND CORRUPTION COMMISSION

TRANSCRIPT OF INVESTIGATIVE HEARING

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

File No:

OPERATION FLAXTON
HEARING NO:

DAY 1 – TUESDAY 28 AUGUST 2018
(DURATION: 2HRS 5 MINS)

LEGEND

PO Presiding Officer – ALAN MACSPORRAN QC
CA Counsel Assisting – GLEN RICE QC
INST Instructing – REBECCA DENNING
HRO Hearing Room Orderly – AMY SMITH
W Witness – PROFESSOR MARK HALSEY
CM CHRISTOPHER MURDOCH, Crown Law (QCS

PO Good morning. This is a hearing of the Crime and Corruption Commission conducted under sections 176 and 177(2)(c)(ii) of the *Crime and Corruption Act 2001*. Before I commence with the formalities of the hearing, there are some housekeeping matters that I need to attend to.

In terms of evacuation procedures, in the unlikely event that the building fire alarm activates, we request that you remain seated and await instructions. If evacuation is required, please follow the directions of the fire wardens, who you will be able to identify by their red or yellow safety hat. You will be directed to the fire stairs outside this room and then to the evacuation point outside this building. If you have any mobility concerns, please identify those to the fire warden, and assistance will be provided to you. Signs outlining the evacuation procedures have been placed in the public gallery today.

The Commission has published a number of practice guidelines on the CCC's website and I am assuming for the purpose of this hearing that you have all had access to those and are familiar with them.

In addition to these, I ask that you please observe the rules that were displayed as you walked in, but, in particular, can you please follow the direction of CCC staff and Queensland Police officers present.

Do not disturb or interrupt the hearing, and would you please switch off your mobile phones or switch them to silent or any electronic devices that you have to silent and refrain from moving around the room while the hearing is in session.

Everyone should also be aware that we are live-streaming and recording the public hearing today, and everything that happens will be recorded throughout the proceedings.

The Commission resolved on 19 March this year to hold public hearings in relation to Taskforce Flaxton, which is conducted under the Commission's corruption function.

The first phase of the hearings commenced on 14 May and ran for 13 days. Thirty witnesses gave evidence as part of an examination of corruption and corruption risks in Queensland Corrective Services facilities. The Commission is now holding hearings over the next two days to focus on matters pertaining to reforms with a view to better preventing, detecting and dealing with corrupt conduct within Corrective Services facilities.

As Chairperson of the Commission, I will conduct the public hearing as the Presiding Officer, and Mr Glen RICE QC has been appointed as counsel assisting the inquiry.

I nominate as the hearing room orderly Ms Amy SMITH to administer an oath or affirmation or any other solemn declaration to any witness appearing at the hearings.

Pursuant to sections 5 and 5C of the *Recording of Evidence Act 1962*, I direct that any evidence to be given and any ruling, direction or other

matter be recorded by recording equipment and Kathy ROBERTSON and Traccee HUNTER will be the recorders for the purposes of today's hearing.

It is proposed that at the end of each day of proceedings, any exhibits tendered during the course of the proceedings will be published on the Crime and Corruption Commission's website. Some exhibits have had personal information redacted. If there are any concerns about the publication of any of the exhibits or parts thereof, the witness or their legal representative should make a submission before the end of the day in relation to that matter.

It is anticipated that a transcript of each day's proceedings and the exhibits will be available on the Crime and Corruption Commission's website by the following day.

At the original hearing, I made a brief observation concerning the purpose of these proceedings. For those of you who are not familiar with this observation, I will make it again so it's clear.

The public hearing is not about laying blame or examining individual cases of allegedly corrupt conduct. These hearings are more concerned with identifying systemic deficiencies in the system of governance surrounding the operation of corrective services facilities. The purpose therefore of these hearings is to establish what works and what does not work and to ultimately make a series of recommendations in a public report, which will promote transparency, integrity and accountability to ensure that a world's best practice model of operations for Queensland Corrective Services is achieved, to guarantee the safety and welfare not only of corrective services officers but prisoners as well.

If any person or organisation has information about specific instances of alleged corrupt conduct, I urge them to come forward to the CCC confidentially to report such behaviour. It will be assessed and, if necessary, fully investigated in the usual manner.

Can I just make one other observation. One of the witnesses who gave evidence at the initial block of hearings earlier this year was Dr John WAKEFIELD from the Department of Health. He mentioned in evidence that there was a review being undertaken by Health into medical services provided in correctional facilities. At that stage, he wasn't terribly aware of the timeline for the publication of that report.

I have since met with Dr WAKEFIELD to obtain an update on that timeline, and it seems as though that report, which is highly relevant to the work that this Commission is currently undertaking in these hearings, may well be available in the next couple of months. It seems to me it is such an important matter that I am prepared to await the availability of that material to enable Dr WAKEFIELD to return to give evidence at these hearings.

I anticipate that once we conclude these two days of hearings today and tomorrow, we will simply adjourn to a date to be subsequently fixed to take Dr WAKEFIELD's evidence. As soon as that date is formalised, the parties will be advised on our website with the actual date to be nominated, so you will have plenty of time to arrange your schedules.

Mr RICE, are you in a position to call the first witness?

CA Yes, Commissioner. The first witness scheduled in this session is Professor Mark HALSEY of Flinders University in Adelaide. I call Professor HALSEY.

PO Thank you.

Professor, do you have any objection to taking an oath on the Bible or would you rather have an affirmation?

W An affirmation will be fine.

Professor Mark HALSEY, affirmed:

CA Is your name Mark HALSEY?

W Correct.

CA You are a professor of the College of Business, Government and Law at Flinders University in Adelaide, are you not?

W That's right.

CA Did you receive a letter of invitation to attend these public hearings?

W I did.

CA Can I show you this letter first.

W Sure. Thank you.

CA Is that a copy of the letter you received?

W Yes, that looks like it. Yes.

CA Thank you. I tender that.

PO Exhibit 99.

ADMITTED AND MARKED EXHIBIT 99

CA Just to review some of your credentials, Professor HALSEY, do you hold a degree in Bachelor of Arts with Honours from Flinders; am I right?

W From Adelaide University, yes.

CA You have a Master of Criminology from Melbourne University?

W Correct.

CA And Doctor of Philosophy from Melbourne University also?

W In criminology, yes, correct.

CA In addition to your duties as professor at the College of Business, Government and Law, you also have a function, do you not, acting as joint chief editor of the Australian and New Zealand Journal of Criminology?

W That's correct.

CA You have some publications to your credit. In 1916 [sic], you were co-author, were you not, of a book entitled Tackling Correctional Corruption?

W Correct. 2016 I think I should say, yes.

CA In 2018, were you also co-author of a report entitled Literature Review: Correctional Corruption, which was provided to the Queensland Corrective Services Department?

W That's correct.

CA For your information, that report is already Exhibit 58 in the proceedings.

W Okay.

CA Can I begin just by asking you a little about the method that was used in the writing of the text of your book.

W Sure.

CA There is an extensive bibliography, indicating a fair bit of research.

W Yes.

CA But, in addition, you mentioned that the co-authors also travelled to various jurisdictions to examine some prisons?

W That's right.

CA Were you one of those?

W I was. Correct.

CA Would you mind telling us where you went?

W Yes, sure. The prisons that we went to were mainly in South Australia. We at that time also had visited some prisons in New South Wales, I think, from memory. We actually had a couple of meetings with the prison officials in the US and the UK, and I guess mainly we were able to draw on some interview material that I guess myself, in the initial instance, had been gathering probably since about 2004 or 2005 onward. And as various projects developed, issues to do with staff or officer behaviour would come up sometimes incidentally in the context of interviews in prisons on other projects that I had been running and my colleagues had been running. It would typically come up in the context of talking about drug-related offending, and so forth, prison conditions, violence in prisons, and so forth. So we were able to draw a little bit on that primary interview data as well. We also had-

CA Did you have the opportunity to inspect any prisons in the UK and the USA?

W I have been into a number of prisons in the UK, yes. Yes, I have. I could name them, probably, but I would probably miss one or two out. But, yes, I have been to prisons in the UK.

CA There were several, by the sound of it?

W Yes, there were, I should say not specifically over time necessarily with the remit to looking at anything to do with corrupt practices, but I guess the point that I'd just put forward is personally I've been into many different prison facilities of all security types both here and in overseas jurisdictions, yes.

CA In the two publications in particular that I have mentioned, the views and conclusions that you express don't discriminate between jurisdictions.

W Correct.

CA Are there the same corruption vulnerabilities that have been observed in research and in your observation across multiple jurisdictions?

W Yes, I would say so without a doubt, yes.

CA From what you have researched and what you have seen, is there any reason to think that Queensland's correctional centres are doing any better or worse than other jurisdictions?

W Not necessarily, no. I would say no.

CA Are there the same corruption vulnerabilities, then, in correctional centres across multiple jurisdictions?

W I would say there are always vulnerabilities to corruption across correctional centres. And to follow that up, I would also add that it depends on how hard officials are willing to look, but if they look hard enough, they will always find something, yes.

CA Would you mind explaining, then, what factors you say explain the existence of corruption in correctional centres?

W Okay, that's a seemingly simple question, but it's got some complexity to it.

The way in which prisons are structured — I don't know how much people in this room know about it, but I guess prisons exist in terms of an uneasy tension between those who staff the prisons and those who are imprisoned there. Prisons rely on I guess what has been called in the literature in terms of enforcing, if you like, a number of deprivations. They create scarcity of certain types of relationships, certain types of commodities, and so forth, certain types of freedoms. That necessarily puts a certain type of strain on the prison population.

So the very nature of prison creates the demand for things like drugs, things like inappropriate relationships to facilitate drugs, et cetera. It

creates the environment for illicit economies to be set up and for money to be made not just amongst the prison population but, on occasion, amongst staff. That, in turn, drives vendettas and can drive violence.

If I come up from that just a little bit to another level, I think if you look at prisons that have quite serious problems with corruption, it typically starts with – I would say one of the key red flags would be chronic and persistent overcrowding of those environments, because that creates a very difficult environment both for those that have to live there, ie, prisoners, and for those that have to work there. The overcrowding issue, I would say, I cannot emphasise enough, is something that has to be reckoned with in terms of trying to get various corruption issues under control, and we can perhaps go into this in a more kind of steady, methodical fashion.

Just to give you a little bit of an idea, it has a cascading effect because it can create and turn what can be quite safe and stable environments, prisons, into cultures where there is fear because there is just too few guards to do too much. There are prisoners living on top of each other. Tensions rise. Prison staff start to burn out. They start to cut corners. They find prisoners harder to handle, and risks are taken in that particular context. That's just one driver.

The other external driver, I would say – –or we call it exogenous. There are endogenous drivers, internal to the prison proper, and there are exogenous, external, drivers. Prisons are largely a reflection of society at large. Where we have around Australia at the moment problems with particular drugs, in particular, crystal methamphetamine, or ice, but also softer drugs as well, those drugs one way or another are going to make their way into the various facilities. The demand for drugs does not diminish in the prison context. In fact, there is very good evidence to say that many people first start, for instance, on the harder drugs, injecting heroin, in prison rather than beyond prison gates.

The demand for those types of products – as I started off saying, the way in which prisons are fundamentally designed is to deprive people of certain things, and if you think about it logically, prisons are not usually associated with bucket loads of pleasure. There is a strong demand for anything that will alleviate the boredom and monotony that sometimes exists in those environments. Drugs is one of those things.

So with staff who might be able to suddenly double their income or triple their income for the week by bringing certain drugs into prisons, or over a fortnight, it is a huge temptation. But, as I say, to come back to your original question, what is the main driver of that? The main driver is that the prison is designed to make those products absolutely scarce, if not impossible, to get, and that in itself creates a premium for the product.

CA In your book, you categorise, I think, three groups to explain the existence of corruption and you refer to them as climate, structure and culture?

W Correct.

CA Would you like to explain what is involved in each of those?

W Yes, sure. The organisational climate is absolutely important, and by that

we are referring to the fact that prisons obviously don't exist in a vacuum. They form part of a larger political, social and economic context. I guess largely we're referring to and trying to ask the question: what political climate do prisons exist in at any point in time? Is the political climate one where the budget arrangements or budgetary arrangements for funding prisons and the things in terms of building good infrastructure, funding good rehabilitative programs, funding adequate numbers of staff – is that climate, the budgetary climate, up to that task?

We talking also there about what is the general tenor of the public or political attitude towards prisoners and punishment. Now, if it is overly pernicious, if it is one directed towards being overly punitive and viewing prisons as a place not just where people go for punishment, then that can create a problem. I guess what we're saying is that if the climate is one which is not firmly committed at the political level to say prisons are fundamentally designed, yes, to incapacitate and to enhance community safety, but they are also fundamentally about, for those who will be released, rehabilitation opportunities, then that can send, I guess we were saying, somewhat of a larger message that prisons are places that can be a kind of harsh, sparse environment. The political tone, I guess, is what we were referring to in terms of that climate.

CA Is that something like an ambient factor? Is that something a corrective services commissioner or a general manager of a prison-

W It can be set, and I can talk about the tone at the top later. But I think in one way, I guess, most prison managers and, indeed, commissioners of corrections, or their appropriate nomenclature around the country, would have some sense of what their political masters are expecting from the prison environment or prisons per se, whether they are to privilege, if you like, incapacitation over, above and instead of commitments towards rehabilitation and so forth, and if they do, then prisons can be run in fundamentally different ways, on what is called a static security rather than dynamic security model. We can move into that, if necessary. But they would be cognisant of the overall political environment and commitment either to prisoners playing a fundamental role in helping, in a sense, to repair or rehabilitate people's lives and therefore enhancing community safety beyond the gate, or whether, in a sense, prisons should be run very strictly, security oriented, rather than, as well, kind of balancing that care factor in custody as well.

CA One form of expression of political sentiment would be manifested, would it not, in governing legislation, for example, the *Queensland Corrective Services Act*?

W Correct, correct.

CA And likewise in other places?

W Absolutely.

CA Is that where one would gather the tone or what is expected?

W Absolutely. I think this is the difference between what is written formally in legislation or in strategic plans or mission or vision statements, or whatever you want to call them, versus, if you like, sometimes the

off-the-cuff rhetoric or posturing that occurs en masse through political circles, through the media, I have to say, as well, about what prisons and punishment should be about.

In a sense, sometimes I think commissioners and prison managers are put in a very difficult position because I think the best types of prison managers and commissioners know that prisons must always be committed both to safety and security of the prisoners and staff, but they must also be committed to rehabilitation and doing the things we know hopefully will keep people out beyond the gate.

CA The next of your three groups is organisational structure. What are you referring to there?

W Yes, that hits on the idea that there are, if you like, institutional kind of rules that must be followed in running a prison, and there are certain, obviously, hierarchies of staff and procedures that must be followed. I guess what we were talking about there, we were saying these are the formal mechanisms that people would be introduced to, for instance, when they are recruited as prison officers and working their way up through the system.

CA You're speaking about the processes?

W Exactly, the organisational, the official kind of written, if you like, recorded processes for running a prison per se.

CA Does built environment fit within that concept of structure as you-

W It can do, absolutely.

CA Does it make a difference?

W The built environment to prisons can – I'll answer this by saying that I have seen very old Victorian prisons, mid-19th century, that are incredibly run down and poor in terms of their infrastructure that are nonetheless run quite well and have minimal levels of violence because of the way in which the prison itself is run and the neat fit and the translation of what the governor or the manager wants at the top and the way in which that kind of vision flows down, right to the base grade officer. Those things are sometimes the exception to the rule.

I guess my short answer would be that a newly specced, properly built prison – a prison that is fit for purpose, in other words – stands a better chance of doing the things that it is designed to do than one that is, if you like, crumbling at the seams. That's what I would say. It's not impossible to run a good prison that is very old, but it's probably easier to do more innovative things with something that has better and new infrastructure within it.

CA Part of the running of prisons is the kinds of processes that you incorporate into the concept of the structure?

W Correct.

CA That perhaps takes us to the third aspect, of culture.

W Yes. It's very difficult to talk about organisational structure without that idea of organisational culture. I guess what we were trying to get at there is that – we were trying to look at the difference between, in terms of the structures and the processes, kind of the envisioning of the ideal of how a prison should be run and how staff should conduct themselves and how they want prisoners to conduct themselves as against what actually happens day to day because of the subcultural cliques that sometimes occur within prison contexts amongst either staff or prisoners.

The organisational culture, in a sense, is, for want of a better phrase, something akin to: look, this is how things are really done around here; right? You can have a recruit come in that goes through the formal mechanisms of training – it might be six, eight, twelve weeks; in certain jurisdictions, it's much longer than that, overseas – and they go through a mixture of theory and practice in their training as well. But when they come into the prison proper, it's not unheard of for people to sort of say, "Well, you know, you might want to put that aside. That's actually not how it's done around here", and we have our habits and our routines for getting the job done that, in a sense, have become, over a period of time, disconnected from those formal organisational structures and rules and processes. And that's what we mean by the cultures – what actually are the set of values that may sometimes overlap with the mainstream values of the structures and rules and processes for the prison but sometimes become detached in order to get the job done, in a sense.

Our way of thinking about it is that where you have a neat alignment between the climate, the organisational climate, and the organisational structure and the culture, and if it is of a healthy, positive, progressive kind, you are least likely to get corruption occurring. Our point in the last two, though, between the structure and the culture, is that where those two things are divorced, you've got a greater likelihood of things going awry.

CA Those two need to work hand in hand?

W Absolutely, absolutely.

CA One thing you haven't mentioned is budget.

W Yes.

CA Availability of money.

W Yes.

CA Does that fit within a climate factor or where would you position it?

W Yes. I would say it would fit within a climate framing, if you like. The budget for running the prisons in this country or this state comes down to, obviously, availability of money, but it comes down to political priorities as well and where prisons fit in terms of the social ledger of what is valued.

Off the top of my head at the moment, I think the annual budget for running prisons in this country is $2 billion to $2.5 billion. It might have crept up to $3 billion; I can't remember off the top of my head at the most.

The vast majority of that, 70 to 75 per cent of that, is put into, as you say, infrastructure, it's put into staffing costs, and so forth. A very small amount, ironically, is put into mechanisms for rehabilitation, and so forth.

I mention that because if we take a step back and ask ourselves what makes a good prison – and that is a fundamentally important question because it connects directly to the issue of how to weed out or prevent corruption in prisons – what makes a good prison is a busy prison. And what makes a busy prison is a prison that is well resourced and funded in terms of its educational, rehabilitative, clinical opportunities to rehabilitate, and so forth, within the prison proper. If they're not funded and prisoners are largely kept in their cells and there are minimal out-of-cell hours, and so forth – we can talk about that later – then that creates a pretty sparse environment. When people are not busy, both staff and prisoners, that creates, if you like, moral hazards in those sorts of environments.

CA In at least a couple of places, perhaps more, in your text, you raise the subject of boredom amongst correctional officers.

W Yes.

CA To what extent is that a feature which can play on the existence of corruption or corruption risks?

W It is a feature, but to my mind there needn't be a necessary connection or an absolute causal link between any particular group of officers being bored and suddenly thinking, "I'm going to engage in this or that form of corrupt conduct." But it has to be a factor in play. I would say there are other more serious and concerted drivers other than boredom, but, if you like, it's one of a number of aggravating factors. That is how I would put it.

If I could flip it slightly and say this, I would say that boredom in the hands of prisoners can be a huge corruption risk, because the more time – and I don't want to lapse into stereotypes here, because each and every prisoner is a human being. They are individual. They have different motivations, et cetera. That much I know is absolutely true. Generally speaking, especially people doing longer sentences, medium to longer-term sentences, if boredom sets in in the prison population or a certain number of prisoners in a particular facility, that can begin a slippery slope towards, "Well, how might I start grooming that particular officer or that new recruit?", or whatever, to, in a way, alleviate the boredom.

To come back to what I was saying earlier, where prisons are not able to institute a fully fledged bona fide constructive day – and that phrase is bandied around, as you might know, in this room, a lot in correctional circles. "We have a constructive day." But what puts meat on the bones of that statement, where they can't do that, prisoners will take matters generally into their own hands to try and pass the time and alleviate that boredom.

One of the ways of doing that is to try and get drugs into the prison, and it helps pass time, suspend time. That's what drugs are about, suspending time, creating money, sometimes putting money into an account, illicitly

obviously, for when they get out beyond release. I think the average prisoner, as you know, only earns about $1.30, I would say, an hour if they are doing any activity in prison, $1.40, something like that. There are huge temptations for the prisoners to do that in terms of alleviating their boredom and grooming or inviting an officer to also assist them in that process as well. There are temptations there for officers as well.

CA In the nature of things, obviously there is a necessary daily interface between corrective officers and prisoners.

W Correct, yes.

CA Who holds the power in that relationship?

W Good question. Well, I think in our book we referred to the idea that officers hold structural power. By that, we mean they hold the power by dint of their position. At the end of the day, they have the keys; they can lock the cells; they can lock people down. They are invested with an authority of the state.

But prisoners, through the fact of their numbers and the fact that they actually live there – that is their home, for want of a better term – hold situational power. That is how we termed it. They are the long-termers there. Prisoners are there through, if you like, thick and thin, whereas officers are there on shifts and they go home and come back into the facility. So just on the numbers game alone, prisoners at the end of the day do hold quite a bit of power.

CA How could that be manifested?

W I'll tell you how it can be manifested when their power is at the lowest ebb, and that's when they riot. Generally when prisoners riot, you know that their sense of powerlessness is at an all-time low, and therefore they're going to make their presence felt in the most conspicuous and visible manner.

To turn to your question more directly, the prison population holds different kinds of power according to where you stand in the prisoner hierarchy. Let me start with that statement. Let's say you have a facility of 1,200 prisoners. Not all of those prisoners will hold equal power and equal influence over anything that is going on in that prison at any one moment, whether it be drug trade, inappropriate relationships, seeking the misuse of information, or whatever else, or who gets to bunk with whom, or whatever. There are certain known prisoners, and they should be known and would be known, to each manager and hopefully correctional supervisor on the wings or the landings, the dorms, the floors, or whatever, who influences whom in that prison context.

I don't know how much I can say in this particular room, but I don't think it would be problematic for me to say that at the moment in the prison context around the country, and I daresay in Queensland, prisoners who hold an affiliation with outlaw motorcycle groups or who are known to be affiliated with certain quite powerful gangs or drug cartels I would say hold more influence in prison contexts than your average fly-by-night, break-and-enter, motor vehicle theft person.

CA Are you speaking about power in the pecking order of prisoners, that is to say, as between prisoners?

W Absolutely I'm talking about that. I'm talking about who might get a little bit of extra in their meal, who might get an extra phone call, who might get an extra visit, who might be able to have some kind of say over who is bunked with whom – that kind of thing, yes.

CA Is there any sense in which prisoners have at least a degree of power with respect to correctional officers?

W Absolutely. Prisoners have a degree of power in the sense that they – well, their ultimate form of power is that they can refuse to do what is asked of them. In the extreme form, I guess some of you know how that might play out in terms of what they might do to themselves or might do to other prisoners or to officers. But, again, that is more of an indication of their power kind of ebbing, if you like.

It's a complex question. Prisoners would influence or exercise their power mainly, in the initial instance, through careful negotiation or talking with officers. Again, I have to try and point out some nuance here. Ultimately, I guess, there is a complex "us versus them" game which goes on in every prison facility, "us" being prisoners, "them" being officers, or vice versa, however you want to conceive of it. The prisoners that want to put their head down and just do their time and not get involved in prison politics really don't want anything to do with the power struggles in prisons. They just want to get on and get through their day.

But others, who I have mentioned before, are known to correctional officials, and some of those officials might come to them in goodwill and in good faith and for the good management of the facility to say, "Look, you know, how might we work towards a more stable environment in here? We know you can cause trouble", et cetera. There are meaningful dialogues that go on between particular prisoners and particular line managers or, indeed, prison managers on any given day in terms of managing the prison. That is, in a sense, a form of soft power rather than that hard, brutal violence. It is a form of soft power because you have an idea of the connections of a number of prisoners and what they can and can't do within that facility if they were really pushed to that.

Obviously the next step from that – you could say, well, prisons, especially maximum security prisons, always have segregation as an option. Yes, but prisoners can still do certain things even when in segregation and run certain things from segregation as well.

I apologise for that. It seems like a bit of a ramble. But what I'm getting at is that there is a constant circulation of negotiation going on within prison environments, I think – and I think that is actually healthy, I should say – between those who run the prison in the formal sense, the governor/prison manager and the officers, and the prisoners themselves.

I will just say this to make this even clearer: quite clearly in this country, with the exception of the deepest parts of the prison estate within this country, whether it is maximum security or the super max facility part of Goulburn in New South Wales, solitary confinement, with those exceptions, we have moved from what's called a static model of security

where fundamentally the job of an officer was to walk or escort prisoners from point A to point B and literally be your colloquial kind of turnkey to what is called a dynamic model of security. Stop me if I'm repeating what others have said, but I think this is important. Dynamic security demands of officers a new type of role. Dynamic security is about managing the prison on the basis of the quality of relationships and information that you can elicit from prisoners.

CA Is that a necessary feature, then, of a well-run prison?

W Absolutely. Absolutely critical. At the end of the day, my argument would be that even if you were able to isolate the hardest so-called nuts within the prison environment, you've got them by themselves, the same with officers that might think they're the bee's knees and pretty brutal and they can engage in all sorts of masculine posturing, et cetera – that's not to say there aren't female officers in those facilities as well – at the end of the day, my point is that if you were to ask most people that work and live in prisons, most of them would say to you, "What we want is a safe environment to live and work in", everybody, including officers especially who go home at the end of the day and come back, "We want a safe and productive environment." That is what they're working towards.

So those kinds of relationships, that capacity to talk with and find out amongst your caseload, for want of a better term, in your area as an officer, without stepping over the line, obviously, "How are you doing today?", those kinds of questions, or, "Heard you might have had a bit of a bad phone call the other day. How you doing?", those conversations, or, "I hear that you might have a parole hearing coming up. How are you feeling about that?", just those kinds of conversations, or being responsive to reasonable requests – that is the real kind of engine room of running a good prison. That's where the best of the subculture can come to the fore, if you like, in those contexts.

CA You raised overcrowding before.

W Sure.

CA Given the prominence that you give that concept of dynamic security, what would you say is the impact of overcrowding on the effectiveness of dynamic security?

W The long and the short of it, it fundamentally undermines it. I have heard that from both prisoners and officers, to be frank, where they have been worried that – I liken it also to the clinical setting also beyond the gate, whether it is with probation or parole officers or caseworkers in the juvenile context, youth workers in the juvenile context. To do really good work with people and know where they are up to, you actually have to know something about them and feel as if you are not overwhelmed with the number of people and scenarios that you have to be on top of.

Where overcrowding comes in, in a sense, your capacity to do that meaningful day-to-day kind of relationship-orientated work as an officer is fundamentally undermined unless more resources are brought on stream. What it prevents, in short, is the optimal kind of model and doing of enhanced case management. That would be my argument.

CA Speaking about dynamic security, you have referred to one of the objects of it as being referrable to safety.

W Yes.

CA Is there a rehabilitative side or rehabilitative component to dynamic security also?

W Absolutely, there is. Again, this can be a little bit complex. I will try and say this as clearly as I can. I think that – and this is a hugely generalised statement, but I will say it nonetheless. I think we are undergoing something of a sea change in the nature of what prison officer work is actually about in this country and can be about.

Prison officer work, like some other jobs that we have that are traditionally seen towards the lower of the pecking order and low in esteem, low in pay, et cetera, I think has played problematically into the role and psyche of officers in terms of the importance of the work they are doing. But as we're starting to change and I think slowly revaluing the work that prison officers do and giving them the remit to be more than simply "turnkeys" and to, you know, if you like, emote that more kind of hard, brutal kind of persona, if you like – as we have given them permission and the remit to get more meaningfully involved in the lives of prisoners, yes, they can actually start to break down some of that "us and them" divide in, I think, ethical fashion where officers are doing it well.

As you said before, fundamentally the persons that are seen the most by prisoners on a daily basis are prison officers. They have the most to do with them. It's not psychologists, psychiatrists, lawyers, et cetera. It is prison officers. So if you can have those people playing a more receptive, attentive role to some of the needs and problems of prisoners and then, of course, bring in expert assistance and help where necessary, absolutely I think prison officers can start to play a meaningful role in prisoner rehabilitation or sparking it or at least keeping a sense of hope alive.

I was only in a facility last week where I was talking about this very thing. My sense is that for prisoners to rehabilitate, ultimately they have to build a replacement self. They have to move from an idea of being an offender to being a non-offender and they have to build cognitively a new identity for themselves, but others have to come to relabel them as that, as well. A big part of that within gaol, within prisons, is for prisoners to be able to see that officers within their midst actually countenance the idea of change, and they can only do that and know that prisoners are changing if they actually get to know them as something more than a number or as one of a mass and to know them as a human being, and that is fundamentally what dynamic security is about.

Now, the one caveat I would say to that about dynamic security, and this is where it can strengthen, I think, not just the good running of the prison and rehabilitation, but it can feed directly into corruption prevention, is of course when done well and when there are appropriate reporting avenues that don't come back necessarily, certainly not on the officer, maybe to a certain extent on the prisoner, it can, in a sense – and this is why I think some prisoners are sceptical of the move to dynamic security, because

they can view it as an intelligence-gathering exercise, that "You just want to know a little bit about me and my life and what I'm planning and where I'm going", et cetera, "so that you can keep an eye on me for the wrong reasons", if you like. So, again, we always come down, I think, in this particular issue of correctional corruption, to – things are finely balanced, I guess. It can go one way or the other.

CA If you are talking about the benefits of dynamic security, that feeds into other questions, like training?

W Correct.

CA Recruitment?

W Yes.

CA Pay, and so forth. Is there a package of considerations?

W Absolutely. All of those things that you just mentioned. One of the issues that I know about anecdotally – and I think, if pushed, I could probably put my finger on some literature that would back this up, but I certainly know about it anecdotally from talking to people in various facilities. In terms of the pay aspect, one thing I know that some correctional jurisdictions are trying to guard against is the over-reliance on overtime that officers get into, if you like, or take up.

There are instances and have been instances where officers that might be earning traditionally $40,000 to $60,000 or $70,000 a year are suddenly earning double that, minimum, due to the overtime. And of course they gear themselves and their mortgages, their cars, their schools for their children, and so forth – in one way, who could blame them, but they gear themselves to that, and then suddenly when the overtime is taken away, they have these commitments and they have to find other ways of meeting that income. So either you scale down your personal life or what you are doing on the home front, et cetera, or you find other ways of meeting that. There have been instances where that can be a driver towards some kind of corrupt practices, because if you can smuggle a mobile phone into a prison, or a SIM card, and get $1,000 or $2,000 for each item, that's quick money, or to bring drugs into prisons. It is those sorts of practices in terms of income, I think, that are problematic.

It gets back to that esteem level as well, and this comes back to the climate issue that you were talking about to begin with. There is a conversation, I think, to be had around what value do we place on prison officer work. To my own mind, prison officers play a fundamentally important role not just within the prison, but their work actually connects meaningfully to community safety beyond prison walls because of the work they do, and it could possibly be remunerated in a better fashion, and there could be better, more clear pathways to promotion within correctional structures as well.

CA Dynamic security, almost by definition, introduces an interpersonal skill set?

W Totally, of course.

CA Not otherwise evident in the static model; is that right?

W Absolutely. That's right. Exactly. We can get on to that as a whole new topic or different topic – the kind of rigours of recruitment, if you like. Fundamentally, yes, you have to have officers who are there for the right reasons, who are, as you say, well skilled in the interpersonal dimensions, who are willing to work as part of a team. You cannot do well in that role as an individual going your own way. You have to work well as a team. And you have to know when to speak up when one or another of that team may be on a slippery slope as well, yes.

CA We might come back to developing staff culture a little later. Could I just change the subject to the question of zero tolerance and what you might perhaps call absolute integrity. In these hearings, Queensland's Corrective Services Commissioner has declared his commitment openly to zero tolerance of corruption and any form of fraud.

W Correct.

CA Is it appropriate for him to do that?

W Well, he's the Commissioner. He can do what he wants, I guess.

CA Could he realistically do anything other?

W We put forth a realistic – we call it a realistic concept of correctional integrity. We started out from the point of view that it is – I mean, let me start with the issue of drugs in prison. I can illustrate it through this, I think.

When you look at one of the most secure facilities – and I'll just step out of Australia just for a moment. ADX Florence, in other words, Administrative Supermax Florence Correctional Facility in Colorado, probably one of the top two most secure facilities in the United States, which operates almost purely, if not purely, on a static model of security. You can run that prison, as large as it is, with very few officers because it's all about buttons and electronics, et cetera, 23-hour lockdown for all of its prisoners, et cetera, very sparse visits, I think maybe one visit every three months or so. One of the toughest, most secure prisons in the western world. If you read the annual reports in the US, drugs still get into that prison.

Now let's come back to Queensland. If drugs can get into that prison and the other most secure prison in the US, which is run almost on a static security model, with prisoners under 23-hour lockdown and then some, it would be foolish to say that you could keep drugs alone out of all prisons in this jurisdiction. It is impossible to do that.

That is a different question, though, to saying should the Commissioner be committed to zero tolerance of corrupt practices amongst his staff? I realise that. Drugs are always going to get into prison, and they are going to get into prison one of three ways: they are going to be thrown over the fence; they are going to be brought in through the gatehouse or through the front of house, through officers; or they're going to be brought in through visits or perhaps, modern day, through drones occasionally, et cetera.

It is a noble objective, I think, on behalf of the Commissioner to have a zero tolerance stance. But in the book, what we were trying to say is this, that prisons are run fundamentally on the wings, on the floor, in the dorms, on a system, as I said, of negotiations and compromises. I think one needs to make a decision about what will and won't be tolerated.

I think some level of turning a blind eye to certain very minor mishaps or forms of misconduct in the correctional context sometimes might be permissible for maintaining the greater and good order of the institution.

The classic example is this, that as we know – and I mention drugs. Drugs may well get into prisons. The Commissioner may be successful, indeed, in weeding out all efforts by officers to smuggle drugs into correctional facilities. Let's just say that happens. Drugs can still get into prisons in other ways, so there may still be illicit drugs within prisons. Do you want to clamp down on an officer that for the sake of the easy running of the wing or prisoner population or a certain section of the population that is easier to manage because you find a very small amount of pot or you find someone smoking a cigarette that had a little bit of marijuana mixed with tobacco in it – do you want to clamp down on all those things all the time and risk, to be frank, the widespread and fundamental resentment of prisoners and then, coming back to the issue of what power do certain prisoners hold in those facilities, have to wear the fallout from clamping down on even the smallest things. That's not up to me, obviously, to decide, but it is a question I think that would have to be reckoned with.

Or do you want to say, okay, there are certain things on occasion – there is good and bad use of discretion, yes, in the officer world, but for the sake of running the facility, et cetera, perhaps there are things that we can turn a blind eye to on occasion, but we have a zero tolerance stance if someone is caught with much harder drugs that actually make prisoners, for instance, far more unpredictable to each other and to officers, whether it be ice, et cetera. Zero tolerance, absolutely. It's got to be. That's just one example.

I am not against the zero tolerance stance, necessarily, that the Commissioner takes. I guess my point is this, to be very clear, that if you start to enforce a zero tolerance stance amongst officers and their capacity to decide whether to pull a prisoner up for even the most minor infractions or not, then you risk unintended consequences for that in terms of the good running of the prison. I just think that's the reality.

CA On the other hand, how could appropriate limits be set in terms of official policy? Is that a dilemma?

W It is a dilemma, you're right, because these things, as we started out talking about, are run at the subcultural level and judgments are made. I would say amongst most hardworking, decent officers and, indeed, sometimes amongst prisoners themselves in terms of harder drugs in prisons, there is almost a zero tolerance stance towards those things, anyway, amongst that group of people, because, again, it comes back to the idea that no-one likes an unpredictable, edgy, highly tense environment in the prison context. There are certain drugs that feed into that and inflame that, and there are certain drugs that, if you like, make that less likely. Therefore, there might be some argument for saying,

"We allow a little bit of that to get through every now and then", et cetera. But, you're right, to try and codify it is very difficult.

All I am suggesting is that there is something of a subcultural practice in some institutions of making those types of decisions. I don't know whether that is a right or wrong thing to do. I guess I am looking at it from a functional perspective. What is the functional effect or dysfunctional effect of sometimes turning a blind eye to those more minor transgressions? Sometimes the functional effect of it is that it maintains order on the wing. That's what I'm really getting at.

CA A transgression might be minor viewed in isolation, perhaps, but a transgression, say, use of drugs, might have a greater impact on a prisoner's parole application?

W Absolutely. Absolutely.

CA If there is a correlation between an inappropriate use of a drug and a parole application, is that a reason to turn a blind eye or is it a reason to breach someone?

W It's a reason to warn the prisoner. You could warn the prisoner, first of all, absolutely. I think there has to be some kind of, in the literature, enforcement pyramid. You start at the bottom with a warning or some kind of alerting to, "This situation is unacceptable", and then you slowly ramp up the consequences for the prisoner. That is a way an officer can actually have a conversation with the prisoner, coming back to our concept of dynamic security, saying, "Look, you know, I could look the other way on this. I've caught you with this particular drug or this little bit of marijuana", et cetera, "but know this, that if I see it again, I'm going to have to write this up in the report. And you're coming up towards the Parole Board in eight, nine, ten months, whatever. It's going to be in the report. The Parole Board is not going to want to see that particular transgression, but you will leave me with no choice if I see you with that again." Those conversations can be had. Are they had? Sometimes, by some officers. Others officers, I suspect not.

But you're right, it does have implications ultimately for prisoner rehabilitation and what goes on their file, et cetera. The whole issue about misuse of information and the soft power that officers can exert through the power of the pen and what does and does not get written on a prisoner file and prisoners getting quite distraught about what might or might not be on their file is another issue that perhaps we can talk about. But, yes, you're right, turning that blind eye can have implications ultimately for, if you like, prisoner rehabilitation and what goes on their file. I agree with that.

CA Perhaps on this same subject, you mentioned that you see there is a trade-off between implementing integrity measures and achieving operational efficiency. What is the trade-off there?

W The trade-off, again, comes down to: can you be everywhere at all times and see all things? We started out talking about the government having limited resources that it has to allocate to a number of portfolios. Corrections gets some. Education gets some. Health gets some.

In a way, the policing, if you like, of integrity breaches within the prison complex – decisions have to be made about where resources will be put. There needs to be a trade-off. I guess you need to start with some kind of hierarchy of harms, in other words. That's why real efforts need to be put into preventing, obviously, assaults against officers. That's one where I would absolutely put efforts into, and there cannot be any trade-offs, to my mind, in that regard, and/or assaults on prisoners as well and prisoner-on-prisoner assaults.

The efforts to stamp out physical violence – we can talk about psychological violence, if you wish, later on – in prison must be paramount, because that fundamentally threatens the good order and safety and operation of the prisons and it has serious consequences for the running of the prisons in terms of out-of-cell hours, the apprehensions and fears of officers in terms of coming to work and how they are willing to actually engage on the job, and so forth. That is something I wouldn't advocate trading off on, for instance.

But the trade-off is, in a sense, how much autonomy do you want to give to officers in their day-to-day role? That's really where the trade-off comes down. Do you want to equip them with the wherewithal to make meaningful, informed and important decisions in their day-to-day conduct, which, as I said before, can feed into an enhancing of the esteem of the role, the satisfaction of the role, and so forth, with those responsibilities. But, of course, again we come back to the flip side and the knife edge. Every side has two stories. Of course, as you do that, you also open up the opportunities for those officers to abuse that autonomy as well. That's where the trade-off comes in, I think. How much power, discretion and authority do you want to cede to officers to make decisions about what they are seeing and doing on a daily basis within the prison complex? That's the trade-off.

CA You have touched on the priorities by saying that there shouldn't be any tolerance with respect to the presence of violence. You have a more flexible view, I take it, to some of the lower level of, say, drug use?

W Some very low level, yes.

CA In what other areas is there scope for prioritising efforts to deal with potential corruption?

W Obviously the excessive use of force can't be tolerated I think at any level and that relates to, obviously, assaults.

I think there are probably different degrees of seriousness to do with the misuse of information. I know that there is a degree of, in a sense, confusion, not just maybe in this jurisdiction but in other jurisdictions, amongst those that might have access to prisoner information about who they can and can't share it with. So I think clarity around those particular rules and what truly is confidential information and must remain confidential, maybe there's some scope for developing a zero tolerance up to – you know, some kind of tolerance for misconduct in that area, for instance.

But, again, I have to say, when a prison officer misuses information, depending on how they misuse it, it can have, as you would know, I think

people in this room would know, very serious consequences, whether it is for the prisoner per se and their chances of release and what gets written on their file, or, indeed, in terms of facilitating debts and vendettas beyond the prison gate, and so forth. It can be a very serious matter.

Then at the other end of the scale, there are obviously instances where someone might just look up someone out of pure curiosity and find out where is this person going to be transferred to, or whatever, or what is their history of offences, and so forth, which in some instances they are entitled to do and in other instances they're not. There is some scope within that, I think, to have some discretion as to zero tolerance versus another approach to those particular issues.

CA A body of your publications is taken up with the categorisation of the most prevalent features of corruption or corruption risks, relationships, contraband, misuse of information, procurement and so forth.

W Yes.

CA Perhaps you might pass over that for the time being and go to the issue which is the title of your book, really – tackling it.

W Tackling it, right.

CA You promote a concept of correctional integrity. Would you like to explain what you mean by that?

W Correctional integrity means that there is the widest possible professionalism brought to all roles within the prison and there are appropriate and workable conduits for reporting possible breaches of correctional integrity kind of rules, I guess.

We have this idea that you try and build a culture that promotes good correctional practice, which is slightly different to starting from the point of view that you should try and stamp out any and all bad correctional practice. They are slightly different things in terms of the priority of where one starts, in a sense.

Promoting correctional integrity means finding good systems and concrete avenues or mechanisms for strengthening and rewarding good staff and good practices and making that visible to other staff members and trying to find a mechanism to get staff on the same page about what the business of being a correctional officer or correctional staff member is about and about what prisons are about per se, as well.

Correctional integrity is trying to get the best possible alignment between the institutional rules or ideals and the subcultural practices and values. You want the best possible alignment between those two fields, between the ideal of what prisons should be about and how prisons should be run and what a good prison officer looks like matched against what actually occurs in practice. That is what we're trying to get at.

CA You were talking of the various features – climate, structure and culture – earlier. Structure you referred to as involving the processes by which the prison operates. Culture is more to do with the kinds of things that you have just been speaking of.

W Sure, sure.

CA Is one more important than the other or what is the interrelationship there?

W I'll answer this by saying that if you had a highly problematic correctional facility where you knew corruption was rife of all kinds and you wanted to try and reform it, in those kinds of instances I think you have to start at the top and work your way down. In the book, we put the scenario that the tone at the top matters. I think we used the phrase something like: There needs to be conspicuous ethical leadership from the top.

CA Does that not begin, say, with the Commissioner saying, "I have a zero tolerance to corruption"? Is that not the start of that?

W It can do. It can start with that. I love ideal, I'm committed to ideal, but I am also trying to present the reality. Yes, you can articulate that as a goal, but it is such a hard goal to achieve, you are almost always setting yourself up for failure, to a certain extent. I can sit here and say I absolutely at one level support and admire that as the ideal, and clearly the messaging, the signalling, from the top needs to be very clear, I know, and unambiguous, but then it needs to connect to a slightly more realistic and nuanced envisioning of what is actually possible.

If you set yourself up with that incredibly high goal, you are going to necessarily find yourself tripping over that time and time again. Some people will say that's okay because you've got good detection mechanisms, et cetera. But eventually if there are so many of those instances, some will say nothing has changed; the culture is still there. So, yes, I hear what you are saying, it can start with that. It can start with that.

CA What tone, then, should leaders, be it the Commissioner or general manager of a prison, be projecting?

W I think they need to be projecting constantly that prisons are not just about the management of prisoners or their segregation or the security of the prison facility. They need to project the idea that, yes, there is the security aspect to the imprisonment role, but there is also the rehabilitative aspect, because if you only privilege and signal that prisons and correctional work is fundamentally about security, that's what you'll get in the roles. That's what officers will privilege in their daily working lives. They will privilege the security aspects of the job time and time again over the other aspects of the job that ultimately feed into community safety. So if the messaging from the top can be that one is not more important than the other, in fact they can mutually reinforce the other, that's where the messaging, I think, needs to start.

Then associated with that, the fundamental threats to that are everything that we have been talking about here today and that you have talked about in this Commission in the past. When officers, in a sense, act badly, whether they assault people, whether they engage in inappropriate relationships, whether they misuse information, whether they carry drugs into prisons or facilitate the supply of drugs, et cetera, that fundamentally tugs at the fabric of correctional integrity.

But I come back again to the idea that it's like taking a zero tolerance

policing stance. We can have a zero tolerance policing stance towards any number of crimes. It doesn't mean those crimes won't happen. Again, it is a noble ideal and it sends a certain message, but if one is interested in fundamentally turning around the causes or doing something about the causes of correctional corruption, you have also got to attack it from another angle, I think.

CA You have referred to the importance of setting the tone from the top. Moving down a bit perhaps to a lower level, how important is it to the development of a well-run centre which is resistant to corruption that an appropriate tone be set at supervisor level?

W Absolutely. Absolutely critical. In fact, one of the points I was going to make is that the appointment and training and trust placed in line supervisors or correctional supervisors is critically important. The middle layer of management really in any organisation, government department, prison, et cetera, is fundamentally important because they are one or two steps removed from the frontline but not so far removed that they won't have an idea as to what's going on.

But to cut to the chase on that, those particular line managers and supervisors need to signal that they are open to hearing and actively want to hear about any serious transgressions on the job and that they have mechanisms for keeping that information confidential and that it will be acted on, because ultimately they can then feed it up the line.

For want of a better phrase, as a base grade correctional officer, what you fundamentally need to know, if you want to do well and do your job ethically to the best of your ability, is that if you see something that you think doesn't fit with good ethical practice, that there is someone you can go to to alert them to that and they won't neutralise it there and then on the spot, that they will take you seriously, even if what you have seen might be misunderstood, et cetera, or you might not have got the full story, that they will give you full attention in a safe way, out of view of other officers, et cetera, that there is a mechanism for that, and that if, indeed, there is not only smoke but also fire, that it will be acted on and there will not be negative consequences for that person.

The tone and the habits and, if you like, the outlook of those middle-level managers in prisons is fundamentally important, fundamentally important. And of course everything that I have just said has to connect to absolutely optimal whistle-blowing kind of practices. I guess we can get into that in a minute, but it has to be connected to that as well. But, yes, they are fundamentally important.

I liken it to, if you've got a good teacher, a good teacher can really make a big difference to a kid in school. But if you have a teacher that's not up to spec and doesn't want to be there and doesn't pay attention to the children in their class, they can also inadvertently do a lot of damage and demotivate people as well. I liken that to correctional officers and their supervisors. A good supervisor has – you can feel, when you walk into different correctional facilities, whether a correctional facility is tense and on edge and you can feel it as you walk around different parts of the prison, right from the depth of segregation and solitary confinement out into the more open areas and wings, and a lot of that will have to do with who is the supervisor on that wing at that moment.

I guess that's the other thing. The continuity of practice from one shift to another with correctional officers is something that is too often overlooked, in my opinion. Prisoners know who they can and can't approach for things and who they can and can't start to groom and try and put one over on.

It's like sometimes in the context of bail, prisoners will know in police stations whether to wait for the next morning because a certain duty sergeant is known to give bail, but the one the night before doesn't. Again, it is a subcultural practice. The same within prisons. Prisoners know to wait for certain supervisors to be on shift before they try on certain things. Or they might also know, in a more positive sense, that, okay, today will be a little bit of a better day because I know this correctional supervisor understands some of our issues and takes our issues seriously.

That goes, I should say, for officers as well. I remember one of the quotes if not verbatim, very close. I had an officer say to me once, "When I look at the roster, I know whether it is going to be the start of a very bad week or not." I think that was the same officer who said something like, "Ninety per cent of my problems in prison are caused by other staff, not by prisoners."

What that says to me is that officers, obviously, are put on different shifts, and there are people they know take a very different view of the job and what is valued in the job to them, and they can do a lot of problematic work and create a lot of tension in any shift that then has to be resolved by the next lot of officers. That's a long way of saying that if you have an outstanding set of correctional supervisors or line managers, and it's not just one or two but you have them covered in each shift of the prison, that is how you maintain what has been called elsewhere in other correctional contexts some kind of grip on the prison climate, so that it doesn't get out of control, that there is consistency of conduct and expectation from one officer and one supervisor to another. Absolutely critical.

CA Commissioner, I was thinking Professor HALSEY might appreciate a break.

PO Certainly. We will come back at a quarter to 12 if that's convenient.

SHORT ADJOURNMENT

PO Mr RICE.

CA Professor, can we digress slightly to talk a little bit about inappropriate relationships and then come back to talk a little more about dynamic security and culture building.

W Sure.

CA Inappropriate relationships is one of those categories that you have identified in publications as being in existence or at risk of existence. How common is the formation of inappropriate relationships? Do you have a view about that?

W That is actually a very hard question to answer. In fact, on the question of how common are any of these kinds of integrity breaches, whether it is to do with drugs, misuse of information or inappropriate relationships, one of the problems is that we don't have good or reliable baseline data on how big this problem is.

CA The research doesn't assist?

W Not necessarily on the inappropriate relation front. We have some data – and in fact some of the best data comes from this jurisdiction in terms of the surveys that were done some years ago with officers in this state about the extent to which officers know of staff who have facilitated the carriage of drugs into prisons or the percentage of prison staff who have turned a blind eye to one form of corruption or another. So there's some data there. I think the numbers are 15 per cent and then 30 per cent respectively on those two things.

I would say, to answer your question, it is by no means extremely common. If we take a step back and say, in some senses, all forms of correctional corruption start with one inappropriate relationship or another, and that includes the misuse of information, because that officer is obviously getting it for someone for some purpose and that relationship should not exist for that purpose. It is fundamental to the carriage of drugs into prisons and the inappropriate relationships there. And then, of course, which is probably more rare, inappropriate kind of romantic, sexual relationships with officers and prisoners, et cetera. How much of that goes on I don't know. Does it happen? Absolutely. Would there be evidence to suggest that with the more common employment of female prison officers in prison settings, has that likely increased as a problem or a risk? Yes, I think the answer to that is.

CA There is a mix of gender amongst correctional officers, certainly in this state.

W Correct, absolutely. Yes.

CA Is that a positive thing or is it conducive to inappropriate relationships?

W Again, forgive me, but the answer is yes and no. It is, again, a double-edged sword. I would say unequivocally that the introduction and the increase in female employees as correctional officers is absolutely a good thing. I will talk about the negative in a minute, or possible risks in a second. But if you talk to not just staff, male prison staff and female prison staff, but also prisoners themselves – and this is going to sound slightly gendered, in a sense, and stereotypical – one thing that a good female officer can bring to the job, and this is the stereotypical bit, is that they are more likely to talk things through or talk things out in terms of a situation that might actually develop into some kind of more serious form of conflict than their male counterparts sometimes. Prisoners will tell you that, that they are, in a sense, more patient, more liable to engage at a more human level sometimes.

I know of situations where strife has been going down on a given wing or a landing and one or two female officers are deliberately brought into the mix to try and help quell that situation, or a prisoner might even only ask to speak to Ms So-and-So, or whatever, and that can sometimes have a

good effect. What precisely is going on there I can't absolutely say, but generally speaking it is a positive thing.

I should say also that there is no rhyme or reason to that. There are female officers who can take on and try, in a sense, to bring the tougher more kind of masculinised elements to the job in terms of being brittle, quite cold, quite tough, et cetera. So it doesn't strictly play out along gender lines in terms of the care and how it often works in officer roles. But to come back to your original question, is the advent of female officers being employed in prisons a good thing? Yes, it absolutely is.

CA What are the incentives for a prisoner to cultivate a relationship?

W With a female, or with an officer?

CA With an officer.

W With an officer. Of a romantic, sexual kind or just any kind beyond the normal workaday?

CA Any type. What is the incentive? Why would a prisoner choose to try to cultivate any type of relationship with an officer?

W Any type of relationship with an officer. The main incentive would be to try, as I said earlier, to alleviate one or another of the pains of imprisonment. The classic ones are – the deprivation of their liberty would be the extreme one, obviously, and to try and facilitate an escape in the most extreme sense. That is very rare, obviously.

Another classic deprivational pain of imprisonment is the deprivation of heterosexual or sexual relationships, so that could be another one.

Another big pain of imprisonment in the literature – this comes from the classic work of Gresham Sykes, Society of Captives. Sixty years ago it was published, one of the absolute seminal publications in the field, where he actually talks about the corruption of authority and the risk of corruption of authority because of these pains.

Another main pain is the deprivation of goods and services. So it would be to get a relationship going so that you could get something that is not normally available in the prison context.

Deprivation of autonomy is another, and that would be to try and cultivate a relationship where you can try and get more freedom within the prison context itself, so more visits, longer visits, better food, more phone calls, maybe a better cell or better living arrangement, that kind of thing, maybe something also to do with the way in which something is written or not written on one's prison file. That is a much underestimated, I would say, issue in correctional contexts and it goes directly to the power that prison officers can wield, not in that direct violent, brutal sense, but in that more subtle sense.

Prisoners one and all, especially those who are at the mercy of the Parole Board and not going to get out at the end of sentence or on automatic release, are persistently worried about what is being written on their prison file, what is being said about them by a given officer, and if they

have the opportunity to influence that in one way or another or, indeed, to get full disclosure as to what is being written up on their file and why, that is a temptation.

CA One reason being that they have an abiding interest in parole?

W Absolutely. Absolutely. Yes, indeed. Also, I have to say you could view it in a smaller sense. It's often conceived as one of the smaller, less or more innocuous forms of correctional, if you like, misconduct, but I think it's absolutely one of the most serious, and that is the deliberate misrepresentation on a prisoner's file about what actually occurred or their behaviour. Talking about the tension and the climate of the prison before, that can create a lot of ill-will amongst given prisoners and/or an ill-will towards particular officers if they think they have been unfairly treated in that regard. So efforts to understand and/or influence what goes on the prisoner's file is an important one, I think, to keep in mind.

CA You spoke before about the changeover of shifts and how that can affect the way a prisoner views something that he or she might want, for example.

W Yes.

CA Are prisoners sensitive to vulnerabilities of particular correctional officers for manipulation of this kind?

W Absolutely, yes. Again, the analogy is if you are going into a school or a university, kids pretty much know who the good lecturers are; they know who the good teachers are. Everybody finds their level. It's known. And it's no different in the prison context. Prisoners know which officers are coming into the job each day to try and niggle and create forms of conflict that they needn't engage in. They call it just pressing buttons or power tripping. And they also know those officers who, if you give them respect, you'll get respect back, and who are not to be, in a sense, messed around with. And they also know those officers who are more easily pliable in particular instances. Prisoners are very savvy to that, absolutely, yes.

CA What would be the causes of vulnerability of staff to manipulation through inappropriate relationships?

W The main drivers – there are a number. One would be, as I mentioned earlier, for staff who have gotten themselves into some sort of financial difficulty and just see, I guess, an opportunity maybe, I guess, in some officers' minds just to do something once or twice. But then it becomes a bit of a slippery slope and they find that they can do it again and again and they're making money out of it, so there's kind of a reward. So there's the financial kind of motivation, in a sense.

Obviously there would be, for some officers, depending on the form of corruption, emotional nourishment in a sense. Sexual gratification would have to be another, I daresay, on occasion.

The other, I guess, would be also – and this is where I come back again to the misuse of information. There have been cases where officers don't know how to discern the threat made to them by some prisoners. In other words, an officer is told, "You need to put X amount of money in X

account, and I will know whether it has been done or not, and if it's not done, something is going to happen to one of your family members", et cetera, or, "We know where you live", et cetera. That is not unheard of. I wouldn't say it's overly common, but it's not unheard of. Obviously an officer feels that they are being extorted, in a sense. So the motivation there is to engage in that behaviour to protect one's family and well-being.

Now, that might be a noble cause kind of motivation, but, again, that is more likely to happen not just out of the blue. That is more likely to happen for officers that might start to traffic in various commodities and then decide, "Actually, I'm going to turn off the tap now", and the prisoner doesn't like it or the clique of prisoners doesn't like it and says, "Oh, no, you won't. You have brought it in before. You have done it many times. You're going to keep doing it. We're reliant on it, because we have our own little prison economy, debtor/creditor economy going in the prison", which is another whole subject and how that can lead to certain relationships, violence, and so forth, "You are going to keep bringing that in." So they can feel as though they're trapped, I guess is what I'm saying.

CA Is length of service, as in, say, a new or relatively new recruit, a consideration of risk in terms of developing inappropriate relationships? Is that an area of vulnerability for people?

W Yes. In our estimation, and we touched on this in the book – look, it's a fairly crude kind of division of years, but I think we conceived of it in terms of those within the first couple of years on the job and out of training, when an officer hasn't fully, in a sense, embedded their own sense of confidence and place within a facility, and they can, in those early days, months, years, be more easily led by officers or prisoners about the way we do things, yes. So new recruits are more vulnerable, yes.

CA I'm sorry to interrupt you. Does that raise peer support or what networks might be available to support such officer?

W Absolutely. I think this has to be part and parcel of the optimal kind of recruitment and training and induction and mentoring processes that need to be happening in the prison context, and I think we mentioned there, and in the report we wrote for the Commission, one thing that would help mitigate that situation is when people get themselves into, let's say, a spot of bother or are feeling vulnerable, et cetera, or are compromised, they need to feel they can go to someone to speak up about the situation, even if it's slightly overwhelming to them, without necessarily fear of full or serious reprisal in the first instance. We think that's important, very important. Otherwise, people tend to go further to ground and the problem gets pushed further and further underground and does not come to light until it is really of a more serious kind.

So, yes, having a set or a number of peers or especially, as I said before, a very good line manager who has their ear to the ground and their eyes open and an understanding of the complexities of officer work and the way in which prisons run, and, in a sense, I don't mean this in the wrong way, but almost expect that conversations like this will happen on occasion, and need to happen, I think is fundamental to the good running of a prison.

CA Is there a tension between undertaking dynamic security, on the one hand, and the risk of formation of inappropriate relationships, on the other?

W It has to be said there is, yes. It's possibly the one main downside of dynamic security. But in unpacking that, I'd say this. I come back, again, to that kind of division of different officers, and there are a number of typologies, of types of officers who go into the job and how they handle the job, from careerist to humanitarian, to whatever, but they needn't be mentioned here.

I guess what I would say here is that the best protector in the officer role against dynamic security going wrong is to have cultivated what's called in the literature good confidence versus bad confidence. In other words, good confidence is an officer that is well versed in gaol craft. They know their way around the prison. They know the limits of what can and can't be done for prisoners. They are very clear, to each and every prisoner, about the line they are willing to draw and where they're willing not to cross that line, and that is made clear. They are willing to give respect to prisoners as long as they are given respect in return, and those officers will also be very good at staying true to their word in terms of meting out consequences for behaviour of prisoners that does go beyond the pale or is trying to corrupt them in some way. That's the best protector against dynamic security falling foul of corrupt practices.

A shorter way of saying that is that officers who are able to command respect and do their job with a good degree of purpose and deliberative kind of conduct generally find the prison a pretty good place to work. I think it's those who don't fully understand the meaning and practice of dynamic security and what it is, and that it's not an excuse for developing intimate relationships, it's not a mechanism for knowing absolutely all the ins and outs of a prisoner's life, and it is also absolutely not an excuse or a mechanism for prisoners to find out everything about a prison officer's life. It's about how do you actually manage what might be going on and trying to keep something of a stable, steady, predictable mood amongst the prisoners in your care, and using the dynamic relationship human element of the correctional complex or role to actually try and keep abreast of what is going on in the prisoners in your midst. But, yes, it can be a risk for those who are not – well, to be frank, who either have become fatalistic in their role, have become burnt-out in their role, who don't subscribe to the philosophy of dynamic security and think, "Why should I do that in my role? My role is as a captor. I'm not a captive, I am a captor, I am a guard", et cetera, and "I do what I'm meant to do and I'm not taking on this so-called quasi social work, mental health, educationalist, mentoring role, I am not going to have any part of that", that's who can run foul of things.

CA Is there literature on the subject of dynamic security which could be drawn on by agencies for training and other purposes?

W Yes, there is. Yes. The UK uses it extensively, for instance, that jurisdiction, yes.

CA Just looking perhaps at some of the componentry of dynamic security from a correctional officer's point of view, we have already touched on the kind of interpersonal skills and you have spoken about that. What skill set are we really asking these days of our correctional officers if the

benefits of dynamic security are to be maximised?

W I think optimally you want a good combination of – well, you need officers who have a good degree of obviously literacy and numeracy. They need to have some solid educational kind of background behind them. I mean, I think the days of being able to recruit officers that have just finished year 10 at school and have not done a whole lot else and we are going to bring you into the prison environment at 17 or 18 years of age, I think they should be largely over, in my humble opinion. The weight of the job is too great for that.

I know, however, around the country, not just in Queensland, there are a good proportion of officers who did not go right through, if you like, the educational system and have learnt on the job, and have turned out to be outstanding officers, but I think in this day and age by want something different.

Having said that, I absolutely am a believer in people who have taken initially a different path in life and have got some life experience, and can bring that to the role as well, and know something about – to answer your question pointedly, I would want to see people employed that know something about the nature of – a little about how society works, a little bit about the causes of crime, a little bit about social marginalisation. A little bit about, I guess, the different pathways that people can take in life and some of the struggles that they can confront. So I think life experience, there is nothing wrong with that, but you absolutely need people who are fairly confident in themselves. You need people who are very clear about why they want to join the correctional service, and the answer isn't just because, "I couldn't get a job anywhere else".

You want people joining for the right reasons. The officers that I've met, who I hold very highly in terms of that role, when you ask them that, you know, they're there, they are aware of the limitations of the role. They are not there to save the world, but certainly they think they can make a difference to some people's lives, and that they actually hold the correctional officer role to be important. I think that is important as well, yes.

CA Is the skill set getting beyond the current pay level? Do you have a view about that?

W I think that what we are asking – okay. A prison that is run in an optimal fashion, that has near full employment of prisoners, and by employment I mean proper employment, not just, "Oh, I'm the person that polishes the phones on the wing for 10 minutes and that's my employment done for the day", or, "I sweep the wing for an hour and that's my employment done." I mean a prison that is committed to industry, good out of cell, number of out-of-cell hours. A prison that has a full suite of educational and rehabilitative programs, et cetera, those types of prisons are complex to run.

So, yes, an officer that is busy and is trying both to wear the hat of a caseworker, let's say, to a number of prisoners, and is also trying to do the routine things around counts three or four times a day, trying to manage the various demands from prisoners that come up, everything from, "I need a new pair of shares, boss" to, "I didn't get my phone calls",

or "My visit went crap and now I feel suicidal, what am I going to do, boss?", all of that; to that officer also having to mentor maybe new recruits, et cetera, for them to be aware when someone is at risk to the themselves, or others, yes, that is quite a complex task is what I am trying to paint, and I think it should be appropriately remunerated.

The conditions under which officers are employed should be such that one minimises the likelihood of burnout, or what I have termed and colleagues have termed, I guess, a sense of fatalism in the job, that "6no matter what I do in the job, I really don't make any difference because I see the same people coming back time and time again", et cetera, and we can come to that later.

But to come to your remuneration question, yes, I think the role has evolved to be more complex, and where the role is done optimally and where it is done in that more complex sense of the term, the pay is probably not up to spec, I would say.

CA To build on the skills which, in the best of all worlds, we can assume exist, you have referred in your book to the need to build values.

W Mmm.

CA We are talking, are we, about building values on top of that skill set?

W Absolutely, yes.

CA This is something the Commissioner is interested in, too, I think, building a workplace culture.

W Yes.

CA What kind of values are to be aimed for?

W In the prison environment the best prisons – and this comes from an extensive study from colleagues at Cambridge University, Alison LIEBLING, Ben CREWE and others over many years who have tried to ask the question: what constitutes a good prison? How do we recognise good quality prison work as well? The answer comes back time and time again that if you look at the prisons with the least number of assaults, the least number of trafficking issues, the least number of misuse of information, and so forth, they are prisoners that place an absolute premium on building up stocks of dignity and respect and humanity and decency within the prison workplace, both for prisoners and those who work there.

They model that, and they try and measure that as well, as hard as that is. If you value the humanity, the human dimension of prisoners, that's got to be a starting point. If you value the idea that people can change, that's an important starting point as well for a good prison officer because, otherwise, you are just churning your wheels and falling back on static security. You may as well not engage in dynamic security if you don't believe in rehabilitation and the changed capacity of certain prisoners, in a sense, so that's one value, I think, that's got to be up there: the idea that people can change and that officers can play a meaningful role or help spark that.

The other values, I guess, are, you know, you've got to uphold conditions of safety. You have got to be committed to honesty and integrity also, obviously, and you have also got to value – I just have to say this. You have actually got to value people that want to air constructive criticism or, in plainer terms, have a bit of a whinge or say something negative about the environment that they work in. You have got to uphold that particular value. You have got to value people who are willing to stick their neck out and say, "Something is wrong here", and not neutralise or rationalise away what they are saying, but embrace and interrogate and look into what they are saying and try and work out whether there is any gravity to that.

So, yes, you want officer culture that values, and a line management and a senior management and, ultimately, a manager and a correctional complex, or correctional department, that values kind of a warts and all viewpoint from those working in the system, and doesn't shy away from it.

CA These days, from general managers down to correctional officers, people are pretty much required to participate in performance agreements, usually annually.

W Yes.

CA Is there a place for inclusion into that kind of management tool of integrity or values-based objectives?

W Yes, I think so. I mean, you could ask staff the question – I mean, this also comes to the idea of how do staff know when they are doing a good job? What does success look like in the prison officer role, and I think it is a legitimate question to ask staff to narrate or give examples of when you feel as though you have gone above and beyond the call of duty and when you have made a difference, or when you have had an opportunity to speak up about something that you thought might have been awry but you didn't, and, again, this all has to be in terms of a protective kind of atmosphere for that kind of feedback to come to the fore.

But, yes, in those performance reviews, absolutely, you can mine the values that are, if you like, keeping a particular officer buoyant and on track. You could also mine them to actually say, "Are there certain types of cliques or subcultures or values that are emerging in your workplace that you aren't so keen on and you think we need to be aware of?" I think the performance review process is often viewed as a process which is just about the individual and their own performance over the last, as you say, six months, 12 months, or whatever, but it could be a mechanism, especially in the prison environment, given that everybody has to ultimately go through it, to say, "Now, we're asking people about things they might have seen or heard that might not be on spec or as you would want them to be, is there anything that's on your mind that you wish to talk to us about?" Those moments are the starting points for more difficult conversations down the track. Otherwise, if you don't have a mechanism for inviting people to actually at least put something out there, however tentatively on the table, you're never going to know the true extent of the problematic activity going on on the ground.

CA Can I ask you, just for a few minutes, about a different subject and it is that of uncovering and reporting corruption. How important is it that corrupt activity be reported?

W It's absolutely critically important, especially with the more serious kind. To be frank, in the worst case scenario, you've got people's lives at stake, obviously, staff and prisoners and in rare cases sometimes family members beyond the gate of prisoners, or staff family members beyond the gate of prisoners, in the worst sort of extortion kinds of cases, et cetera.

It is absolutely important because it fundamentally undermines everything that a good prison should be about. Good prisons should be about the safety and security of its occupants, but it also should be about bettering their lives so that they don't return to prison on release. And as 98.5 or 99.5 of all people sentenced in this country are going to be released one day, that has to be a fundamental of prison, and all the things we have talked about undermine that process.

CA You have just emphasised the importance of reporting. In your book, however, you refer to the proposition that official reports and records of correctional corruption are likely to be just the tip of the iceberg.

W Yes.

CA Do you recall that from your book?

W Yes.

CA Why is that so? Assuming that to be correct, why would that be so?

W My sense, or our sense, is that – well, for two reasons. The main one being that – under-reporting occurs where people believe, rightly or wrongly, that if they do report, little or nothing will come of that report. So they don't have confidence in the mechanisms available for something to be done about that which they do speak up about.

Secondly, they don't report because they worry that it will have consequences for themselves in the job and bear down negatively upon them.

Thirdly, they don't report, sometimes, because the pressure by certain staff on them to neutralise certain types of activities, which probably could be and should be reported, can be strong on occasion. That power and balance that exists, as you mentioned before, or touched on before, the difference between a very experienced officer who might be able to put pressure on a less experienced officer to sort of say, "Look, nah, don't worry about that, that's nothing" or, "This is the way we do it around here", that kind of thing, and just bring them into the fold or perhaps even offer them inducements not to report is another issue. Those are the main ones.

CA Peer pressure?

W Peer pressure, in short, exactly. Exactly. Peer pressure, yes. To come back to what you were saying earlier, this is where the Commissioner's phrase around and commitment to zero tolerance in terms of its signalling,

I understand that and fully support that and it matters, but the trick is how do you develop mechanisms for that to filter down to all levels of any particular prison complex so that the relatively new recruit who thinks, "Oh, that is the wrong way of doing things, that shouldn't have happened. This seems to be a pattern of behaviour that I need to report, and I know I need to report it because there is a zero tolerance stance towards this stuff", is not, in a way, undermined, as you say, by the peer pressure that doesn't believe in what the Commissioner is trying to do or whatever.

One of the most effective ways, unless you were going to go into it, in terms of actually overcoming corruption amongst staff, is to work out, for a prison manager, to work out which staff are fundamentally on my side and follow the vision of myself and the Commissioner and are doing things to the absolute best of their extent and have more or less impeccable records, which group of staff are in the middle and are kind of ambiguous or ambivalent about which way they want to go and give them the right of reply and give them a chance to actually get on board or they're out, and then learn which staff and try and discern which staff are actually never going to get on board and will do everything to undermine a progressive correctional climate, if you like, and get rid of them. It has been done overseas effectively by a particular prison governor, who I won't name, but that is how certain facilities have been turned around. It's been very pointed and sharp.

You will generally find, as a loose equation, there will be a third of people that are on board, a third of people that are ambivalent and a third of people that you will never turn around and will do untold damage behind the scenes to the vision that the Commissioner or a good prison manager might have.

CA Performance indicators, particularly perhaps for private centres that we have in Queensland, are framed around a range of things largely that can be quantified like assault rates, number of escapes.

W Yes.

CA The number of errors in identifying release dates, and so forth. Is there any perverse incentive, given that there are performance indicators of that kind, on the one hand, and the need to report on the other?

W Just to make sure I caught you correctly at the beginning there, you said in particular in relation to privately run facilities, there could be.

CA Privately run centres report to the Commissioner quarterly on a range of key performance indicators, most of which can be quantified of the type I have mentioned. Is that a disincentive?

W The short answer is, yes, there is a perverse incentive scheme set up under that scenario, yes, but I would also contend that the very best of prison managers or governors of private facilities don't fear the warts and all coming up and being reported. That's not to say that they can absolutely have everything reported because it relies on staff on the frontline doing the right thing and reporting it. No prison governor or prison manager can be across absolutely everything but, again, it can be attenuated. There is no necessary connection, if you like, between – it doesn't have to be a perverse incentive is what I'm saying. The best kind of prison managers,

public or private facilities, if they are getting that information, it's important information that is not necessarily the fault of the prison manager or governor themselves, there's something important and systemic or perhaps structural or even a little bit idiosyncratic that needs to be dealt with. It should be viewed as an indicator, not of things that need to change and not necessarily as a threat to the loss of a contract which, I think, is – that's where you might be headed with that sort of line of questioning.

Of course, in private facilities, they are worried about the contract and the standards to which they are held. They obviously are held to certain performance measures that sometimes state prisons are not. Yes, it can be in their interest to show a favourable level of reporting of various things such as, as you say, the number of out-of-cell hours, the number of assaults, the number of prisoners engaged in education programs, the number of contraband items found, et cetera, but, see, that can work two ways.

You could read very few, let's say, mobile phones being found in any one year in a particular private facility as an under-reporting, or you could say, actually, in our mechanisms for detecting pieces of contraband, or phones, have been very good and we have a very good idea of what's in there and what has come up, and we have very good prevention mechanisms at front of house, et cetera. Again, it can run two ways. But yes, in short, there is a danger of perverse incentives and I think that behoves others in the system, whether it is the Commissioner or the government to say to those private contractors, et cetera, that we value an accurate warts and all reporting of those kinds of activities, there is nothing to fear in terms of a possible loss of contract. Because what will ultimately lose from the contract is when all of those things become so embedded that something flies up in their face like, you know, assaults, or a trafficking ring-

CA Violence.

W Exactly – that's been going on for a while and they haven't been honest about reporting it.

CA Thanks, Professor HALSEY.

PO Mr MURDOCH, do you have any questions?

LR No, may it please the Commission.

PO Thank you. Anyone else who has any questions? No. Very well. Thanks, Professor. You are excused. Thank you for coming in.

PO Mr RICE, do I understand the next witness, Mr BALLANTYNE, is due at 2 o'clock?

CA Yes, 2 o'clock.

END OF SESSION

LUNCHEON ADJOURNMENT