



CRIME AND CORRUPTION COMMISSION

TRANSCRIPT OF INVESTIGATIVE HEARING

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

File No: CO-18-0360

**TASKFORCE FLAXTON
HEARING NO: 18/0003**

20 **DAY 9 – THURSDAY 24 MAY 2018
(DURATION: 2 HRS 49 MINS)**

**Copies of this transcript must not be made or distributed except in accordance with
any order made by the presiding officer concerning publication of these
proceedings.**

LEGEND

30 **PO Presiding Officer – ALAN MACSPORRAN QC
CA Counsel Assisting – GLEN RICE QC
INST Instructing – AMANDA BRIDGEMAN
HRO Hearing Room Orderly – ISABELLA PATTON
W Witness – TROY ITTENSOHN
PC Legal Representative – Ms P CLOHESSY, Crown Law
AS A J SMITH, GEO Group Legal (GEO Group)
JS JOHN SPRECKLEY (United Voice)**

PO Good morning. Mr RICE?

CA Thank you, Mr Commissioner. To begin with, Mr SPRECKLEY from the United Voice union has been given leave to cross-examine the first witness. Since he has not previously appeared, I might just invite him to announce himself.

10 PO Thank you, Mr SPRECKLEY. You might have to come forward to a microphone. I'm sorry we don't have one at the back there.

JS Good morning, sir. My name is SPRECKLEY, initial J, appearing on behalf of the United Voice Union, with leave.

PO Thank you. Mr RICE?

CA Commissioner, I call Troy ITTENSohn.

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

W Oath, thank you.

HRO Please take the Bible in your right hand and repeat after me.

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

CA Is your name Troy Andrew ITTENSohn?

30 W That's correct.

CA Mr ITTENSohn, you occupy the position of General Manager of Arthur Gorrie Correctional Centre; is that right?

W Yes.

CA Have you received a notice to attend the inquiry?

40 W Yes.

CA Can I show you this copy, please. Is that a copy of the attendance notice?

W Yes.

CA I tender that.

PO Exhibit 69.

50 ADMITTED AND MARKED EXHIBIT 69

CA Being general manager of Arthur Gorrie would make you an officer of GEO Group; is that correct?

W Correct.

CA For how long have you been general manager?

- W At Arthur Gorrie, since March 2013.
- CA Did you have some previous position within GEO Group before that?
- W Yes. Previously I was general manager of Fulham Correctional Facility in Victoria.
- 10 CA For how long was that, sir?
- W Five years.
- CA Is that the extent of your general manager experience?
- W No. I was general manager of Borallon Correctional Centre for a period of six years.
- CA How long, in all, have you spent with GEO Group?
- 20 W Out of my 31 years in corrections, 10.
- CA You would be aware, I think, that GEO Group has made a submission to the inquiry?
- W Yes.
- CA Are you familiar with that?
- W Yes, I am.
- 30 CA I might just put it in front of you so that you can refer to it as needed.
- W That would be appreciated.
- CA Exhibit 47, if Mr ITTENSOHN could see that. While that is being done, you would probably be aware that Mr KETHEESWARAN has appeared earlier in the proceedings?
- W Yes.
- 40 CA I will ask you some of the same things that I asked him, but you come from a different perspective, I think.
- W That's correct.
- CA Perhaps a more practical perspective than the level at which he operates?
- W Yes, not corporate oversight but actual responsibility.
- 50 CA One of the things that the submission notes, at page 4, is the different mode of operation of Arthur Gorrie. Arthur Gorrie operates almost exclusively as a remand centre, does it not?
- W That's correct.
- CA In the third-last paragraph of that submission, the author adverts to

a number of differences that are reflected in that fact. I would just like your views on the differences that are adverted to within that paragraph?

W Yes. As a general manager, having worked in sentence facilities and low-security facilities and now currently at a remand-only facility, there are significant differences in the management of the population.

10 What you have in a remand facility is, firstly, people that aren't sentenced, so that has different obligations to how you treat those individuals, as they're not under a sentence.

CA I'm sorry, before you go on, in what way does it give rise to different obligations?

W Once a prisoner is sentenced, they go under a sentence management plan. A prisoner, say, is sentenced for three years, and then they go under a sentence management plan and a review that actually outlines the potential requirements of them to fulfil during their sentence.

20 CA Those requirements are made known to the prisoner?

W They are made known to the prisoner, and the prisoner is communicated that very early. It supports the prisoner in rehabilitation programs, education programs - provides them a pathway for their journey through a sentence.

CA Gives some structure to the service of their sentence?

30 W Very much so.

CA That is not evident for a remand prisoner?

W A remand prisoner isn't sentenced, therefore is not guilty. Therefore, those obligations for a prisoner to comply, or the department - it wouldn't be appropriate for those levels of responsibility to be put on the prisoner when they're not guilty.

40 CA Does that have any implications for the management of a large prisoner cohort in that category?

50 W It just means that the role and function of a remand facility is, firstly, a safe, secure facility, but a core requirement for the function of the facility is to ensure that they can best prepare themselves for their court case. The offenders, or prisoners - even though they're on remand, we call them "prisoners" - their focus would be on preparing for a court case and the factors of coming into a gaol, into the prison, not knowing the length of stay that they would be in our facility. A prisoner might be in our facility for two weeks, and we've had prisoners in our facility for over seven years, but it's not known by the individual how long they are going to stay or not stay, so it does create new complexity into the management of a remand facility.

CA The submission refers to different interactions with prisoners. Could you tell us what the content of that is, from your perspective? Take your time.

W Is it in that same paragraph or a different paragraph?

CA Yes, the same paragraph.

W As I have said, it is a different role and function of the facility. In a sentence facility, officers and general employees would interact with a prisoner with the purpose of better preparing them for release into the community and addressing their offending behaviour, whereas in a remand facility, the interactions are, firstly, safety and security. It is our role, when we are inducting prisoners in to our facility, to actually inform them of the system.

10

For example, a prisoner will come from a watch-house into our facility and never have been in custody before. So we have the role and responsibility to actually inform them of the prison system, not just how Arthur Gorrie runs but how all aspects of prisons run. That way, they can go into the prison population general, informed, and also then when they get into a sentence facility, it is a smooth journey for the individual going forward.

20

How we manage a remand population is like the introduction into the corrective services system as opposed to a sentence facility. In the prisoner population there, the needs are different. In a sentence facility, it's about achieving the goals to get out early, so ensuring they do programs and good behaviour, and so forth, so they can get parole for early release. That is a philosophical direction.

CA Do you observe that by contrast with sentenced prisoners, who have a sentence management program and goals to work towards, whereas remand prisoners do not, that has an impact on whether there is an incentive to keep good order?

30

W For an individual, yes.

CA Is it something that you observe on a higher-level basis, that is, on a centre-wide basis, the temperature of the centre, if I can use that word?

W We operate the facility knowing the clientele that we are managing. We have a number of assessments, procedures and process to ensure that we provide an environment that is applicable to good behaviour within our environment. We know the environment that we have, and we operationalise the facility to ensure that we maximise the safety and security of both prisoners and staff.

40

CA You might perhaps descend into a bit of detail about that, if you don't mind. You say "operationalise" the centre. What does that translate to?

W For example, in the remand facility, in our induction process of prisoners, before they actually get to the unit, we have numerous assessments that happen on a prisoner before they actually get into the prison proper. So there are assessments, and they're numerous. That assessment will be on intelligence information, security information, associations that they may have within the facility, so from a security perspective, how to best place that prisoner in the facility. But then for duty of care, we have medical assessments. They will be assessed by our health services staff, as well as, if they've got known cases of mental illness, we have full-time staff from Justice Health, mental health division on site and we have a

50

psychiatrist that is from mental health, Justice Health, that's in the facility.

We then have assessments on the prisoner's well-being, as in at-risk behaviours, any issues they might have because they're on remand, for family on the outside, contacts, any difficulty. We'll have assessments on where are they placed within the facility. If I use that, that's one example of how, before a prisoner actually enters prison proper, we have a good assessment on that prisoner.

- 10 CA Is a lot of that self-report or-
- W No.
- CA No?
- W No.
- CA Okay. GEO Group provides correctional services in Arthur Gorrie under contract to QCS; correct?
- 20 W Correct.
- CA There are a number of key performance indicators attached to the contractual requirements?
- W Twelve.
- CA Speaking as the general manager, are they the measure of success in management of a prison?
- 30 W There are four categories: safety and security, day-to-day operations, compliance, and also a level of innovation that we can provide.
- CA Yes, I understand. What I was really asking you was, are those matters, from your perspective, the measure-
- W They're one measure.
- CA -of a good prison?
- 40 W They're one measure.
- CA They are measures that GEO Group would be interested in in terms of the performance of its contract, but you mentioned it's one measure. What other measures would you regard as significant beyond meeting KPIs?
- W Meeting KPIs should be a consequence of running a good prison, not a driver to running the prison. They will measure-
- 50 CA I'm sorry, is that a personal view or a view you would find from your experience as reflected by GEO?
- W That's my personal view, and it's reflected in the view of GEO.
- CA Perhaps you will give us, then, what your view is on what the drivers of a good prison are?

- W I've heard it talked about in this hearing about culture. Prisons are difficult, complex environments. I have worked in prisons for, like I said, 31 years and I was an officer on the ground. From a general manager personal point of view, it's providing a safe, secure environment for both staff and prisoners. It's providing opportunities for prisoners to have a safe environment and to, at the end of the day, come out of the situation that they're in a better person or an active person in the community. So they are high-level philosophical statements.
- 10 CA They also happen to reflect the *Corrective Services Act*, I think.
- W Well, as I said, I've been in the industry 31 years, and I enjoy the challenges and having the opportunity to contribute to the corrective services.
- From a centre level, as I said, as the general manager, it's my philosophical management to provide that foundation. That comes from - and I will try to summarise some of that.
- 20 CA Yes.
- W That comes from providing an environment for all the people that are in the facility. And then I'll talk about staff, that they understand what their role is within the facility, that they are trained to a standard that they know what's required from them on a day-to-day basis.
- Once you have trained the staff and they have an understanding of what is required of them, giving them the philosophical direction of the role and function of the facility.
- 30 Then communication, ensuring that you have a communication line with the staff so that they can get an understanding of what's going on within the facility and they can actually provide advice, contribute to that as well.
- And the last area is accountability. Once you provide that platform of information and knowledge and staff have been able to demonstrate that, having a level of accountability in that, to ensure that all those functions operate together. One of the benefits I have found in a private organisation is that we have high levels of accountability.
- 40 CA Perhaps you might give us an overview of what they are. We might discuss them in more detail as we go along, but could you give us an overview?
- W I've worked for 14 years in Queensland Corrections. I thought that for my career development, I would go over to a private company for a period of time and then go back. I was naive to say that I was going to take to the privates all my experience within the department. From day one, I learnt that running or working in a private prison environment is different. The levels of accountability that are put on you by your corporate, or your company, and also the accountabilities that the department put on a contract are many.
- 50 CA Greater than in your experience as an officer of QCS?

- W Yes. Mind you, that was a number of years ago now. And over the 15 years, the accountability has increased. The contracts have become more sophisticated and very specific in nature to what is measured.
- CA So the contracts provide one source of obligation and accountability. Are there others?
- W Being a private facility, you have the eyes of many looking on how you are actually managing prisons. It's - how can I say? There are many people in society that think that prisons shouldn't be managed by companies; it should be a government function. I am aware that numerous external stakeholders take great interest in private operations.
- 10 I'm aware that the department has great interest in ensuring that we're accountable to performance. I am very conscious that the Office of Chief Inspector has great interest in the management of Arthur Gorrie Correctional Centre and great oversight of Arthur Gorrie Correctional Centre.
- 20 CA You mentioned that QCS has an awareness of accountability of your centre.
- W Yes.
- CA How is that reflected? I know that there is quarterly reporting. Is that one way in which that's done?
- W That's one way.
- 30 CA Do you participate in that? Do you prepare the reports, for example, for the quarterly meeting?
- W The general manager report is one of the agenda items. I present a report at that meeting.
- CA Would that be statistically based or by way of commentary?
- W It is commentary based on the performance of the facility, and then it goes into the data analysis. I will give a comment on the overall management of the facility for that three-month period, and then I have a commentary of community engagement that I put commentary into for that quarterly, and then there is statistical data that we run through with contract compliance and the Commissioner.
- 40 CA Apart from the quarterly reporting requirements, is there some other means by which QCS monitors the performance of the centre?
- W Yes. QCS have a contract management unit. My understanding of their purpose is to manage the two private contracts. They have a manager in there and they have two monitors that work together. They don't stay together, but when they go to the facilities, there are two that go to the facilities at any one time. They come to the facility five days out of every ten working days.
- 50 They come into the facility, and they are there to monitor, so they will monitor or review our compliance to COPDs and any request from their

manager or the Office of Chief Inspector of any areas of the prison that they might want to review or inspect.

We have a review or oversight of our incident reporting. The department, in October last year, put on a full-time staff member to review incident reports on a daily basis. We also have a relationship with Statewide Operations on the management of the facility as well, so they have oversight into our incident reporting, our data, and they ensure that we work to ensure that there is dovetailing of prisoners' journeys through corrections.

10

CA Do you have any direct line of communication with Statewide Operations?

W Yes.

CA What would cause you to use that line of communication?

20

W It's two-way. If there is an operational - or if there is an incident within the facility that requires reporting directly to the Deputy Commissioner, I'll phone the Deputy Commissioner. There are times where we might have prisoners in our facility that would be best located in another facility. I'll talk to Statewide Operations on that. There are times where other facilities find that some of their prisoners might be best located at our facility for a period of time. So it is day-to-day operations of the facility that we have our communications.

CA Do you have a point of contact in Statewide Operations?

30

W Point of contact is the Deputy Commissioner.

CA What about Ms BAMBRICK?

W I have conversations with Ms BAMBRICK as well.

CA Do you have ready access to the Deputy Commissioner for such matters as you have described?

40

W Yes, yes.

CA Are there particular requirements that are imposed on the centre by QCS independently of the contract?

W How do you mean?

CA Are the practice directions one form of that, or are those built into the contract?

50

W There are two levels. You have the key performance indicators of the facility, but there are also clauses in the contract that require certain standards of operation, which include compliance with the COPDs. Training and all other aspects are written into the contract.

CA Does that provide a single source of your obligations?

W It provides a single source that has many technicals out.

CA Yes, I understand. Such as the COPDs?

W Yes. In managing the facility, I would very rarely look at the contract. I don't look at the contract to manage the facility on a day-to-day basis. I look at the department's operating directives.

CA The practice directions that come from QCS are required to be complied with, as I understand; correct?

10 W Correct.

CA There is also such a thing, is there not, as local area instructions?

W Yes.

CA Is that the right term - local instructions?

W Local instructions, operating orders, yes.

20 CA Who formulates those and for what purposes?

W The local ones, I am responsible for formulating those, and I will have people underneath me who will develop them, and I'll approve them and have oversight of them.

CA What kind of subject would be appropriate for a local instruction?

W An example of a local instruction that we might put in place to ensure compliance at a micro level would be one that I reviewed yesterday - allegations of staff assault. We have a local instruction on allegations of staff assault to ensure that we comply with the reporting requirements within that, but what we have gone to is a high level of detail to ensure that if that happens out of hours, the appropriate people are informed in a timely manner. So for an allegation of staff assault, it will go to contract management unit, it will go to the office of ethical standards, it will go to the Deputy Commissioner, as well as GEO corporate office. So that is a local instruction, how we operationalise a requirement.

30 CA You would probably be aware that some of the Chief Inspector's reports concerning Arthur Gorrie have already been referred to in evidence?

W Yes, I have.

CA Can I take you to one of those. There is some data in it, to begin with, that might be useful to discuss. Could I ask if Mr ITTENSOHN could see Exhibit 29, which is the inspector's snapshot report of 2017.

50 W There is some data referred to on pages 3 and 4 about the centre. As at the date of this, which is July 2017, there was an average daily state of 1,179 prisoners as against your approved maximum capacity of 1,187, so very close to it. Has that been maintained?

W I'd say the daily average is higher than the one in this report.

CA It might even be over maximum capacity?

W No. Our contracted capacity is 1,187 and we haven't gone over that capacity since - we've had that capacity since, I think, December 2015.

CA The built capacity, I'm not sure if it's there, but it is a good deal less than that, is it not?

W 872, not including the MSU.

10 CA Under the contract, is GEO obliged to take prisoners above the built capacity?

W Yes.

CA Is there a cap, though?

W Yes.

20 CA For example, the maximum capacity - is that the cap?

W That's the cap, yes.

CA As the report notes, the centre was 155 per cent over single cell capacity?

W Yes.

CA One of the features of it - I mention it because the inspectors have referred to it in a couple of particular contexts - is the proportion of prisoners in employment or education.

30 W Yes.

CA The figures are shown on page 4, being about 439 in employment or education and 740 not.

W Correct.

40 CA In other words, a relatively low proportion of people are in employment or education. Does that have an impact on the management of the centre?

W The centre facility was constructed for a prison population of 380 originally, and there have been a number of growths of the facility in unit capacity, as in cell capacity, over a period of time, but there has been no expansion to industries areas or program areas within the facility.

CA Since it was first built?

W That's my understanding, yes.

50 CA Which was how long ago?

W 1992, I think, a good 26 years ago.

CA So no additional employment infrastructure?

- W Correct. The prisoners, as I said earlier, have no obligation to work or to do any programs over that period of time.
- 10 It is important to note the role and function of the facility changes. For example, with the SOFRONOFF review, it has done literature research on remand populations, as Arthur Gorrie is a contractor. And it is important, while we have people under our care, to actually provide programs, education to that population. So over the period of the last five years, we have actually introduced, in partnership and mainly funded by the department, a large number of programs within the facility.
- The percentage that is said here, in my experience, is a high percentage for a remand facility. Would I prefer to have a higher percentage? Yes.
- CA Just on that, you make the point that the remand prisoners are not required to undertake work. From the data as shown, against the category of "refuse to work", there were 22.
- 20 W Yes.
- CA Which is far less than the number of persons available to work.
- W Yes.
- CA Is it the case that there is simply not enough facility, by way of work or education, to go around or to offer to those who may wish to undertake it?
- 30 W Yes.
- CA That's the situation?
- W Yes.
- CA Of the 740 who are shown in this report as not being in work or in education, how do they occupy their day?
- 40 W Being a remand facility, what you have is a large proportion of - well, the majority of the prisoners are preparing for court, or court cases, or being involved in legal visits or legal preparation. There are visits seven days a week within the facility. There are also activities, such as oval, gym, that are offered to the prisoners. But by and large, there are some units that are highly occupied, and there are other units, workers' units, where that whole unit will be emptied and taken to a work location. So there is a combination of a large number of prisoners unemployed or not actively involved and then other areas that are fully involved. We are aware of the environment that that creates.
- 50 CA Just to clarify what you have said, you mentioned there are some units that might be heavily involved in work.
- W Yes.
- CA Others not. Is there a division by way of accommodation within the centre as between those who are engaged in work and those who are not, so that they are separately housed?

W There is a division. We actually have mainstream and protection prisoners. That has not been mentioned. That is a complexity within the facility itself. We have 280 to 310 protection prisoners within the facility other than mainstream.

There is a division in accommodation, homogenised accommodation units, but there is no restriction on an individual getting into a workplace that has that. There's only two or three units that might do that.

10 CA Do what, sorry?

W Which have one work - and that's for safety reasons, but a large number of the other units do have employed prisoners.

CA To varying proportions?

W No.

20 CA Is that right?

W Yes.

CA In such units, at the appropriate time, a proportion of prisoners go to work; the rest remain doing the kinds of things that you have described?

W Yes, yes.

30 CA Back in 2013, GEO sought permission, I gather, for less than the usual 10 hours per day out of cell to be accommodated at the centre.

W Yes.

CA That approval was given, as I understand.

W Yes.

CA What was the reasoning behind that?

40 W The department was going for 11-hour days for their correctional officers.

CA Out of cell?

W No, 11 hours for their staff. So the staff would be employed at the facility for 11 hours a day, not 12 hours a day.

CA Whose idea was that?

W I'm not sure. That's the department-

50 CA Perhaps I didn't understand you. Was it GEO's idea or QCS's?

W QCS. The facilities were operating at nine hours out of cell. My understanding is that all facilities were operating nine hours out of cell, and we then went to nine hours out-of-cell operation as well. To comply with the COPD and for putting our staffing arrangements in place,

we wanted to ensure that the nine hours out-of-cell operation was approved and endorsed by the department, so we sought that endorsement.

CA But nine hours a day is not the standard any more; am I right?

W I don't know that - there is a COPD requirement of 10 hours.

CA Yes.

10

W But I wouldn't say, in my experience, that that's the standard.

CA If that's what the COPD requires, why would it not be the standard?

W The department is going into a restricted regime environment, because of overcrowding, where they will reduce the hours of cells under different conditions.

CA I'm sorry, I don't understand that.

20

W Some centres within QCS will have prisoners locked down for six hours, four hours, I'm not really sure, but I know it's less than ten hours. The department are reviewing their minimum standards of practices, and in that draft document it states minimum out-of-cell hours for high-security prisoners at eight hours.

CA What do you say is the source of that?

W That's the minimum standards.

30

CA But if we were to try to identify a source document which declares that-

W I could give it to you at a later point, but I don't know the source-

CA Is it something that emanates-

W It's from QCS. It's a QCS document.

CA In the course of this series of inspections that were done by the Chief Inspector in 2015, 2016 and 2017, the number of hours out of cell was noted I think in 2016 as being about 8.2?

40

W A number of reports, yes.

CA And suggesting that the concession that was made in 2013 reducing the number of out-of-cell hours to nine should be reversed. Has that occurred?

W No.

50

CA Insofar as it was a recommendation by the inspector on more than one occasion that that should occur, why has it not occurred?

W It's not easy to unpack. Our whole staffing schedules are around an 11-hour engagement of staff on a daily basis. By the time you get staff in, brief them, do security checks, and so forth - those security checks take

a period of time and reduce the hours that a prisoner is out of cell.

CA Do I understand you correctly that once it was implemented, it was really not feasible to go back?

W It is feasible and we're continually reviewing how we can get 10 hours out-of-cell operation within the facility. It's something that we will be trying, and are trying, to achieve.

10 CA One of the other features, not common to you, but it is certainly present at Arthur Gorrie, is a degree of overcrowding and doubling up?

W Yes.

CA This report that we are looking at notes 630 prisoners out of 1,179 were doubled up.

W Correct.

20 CA In Arthur Gorrie, does that translate to mattresses on the floor?

W No.

CA How is it dealt with?

W Being a private provider, we had the ability to procure bunk beds, so every prisoner at the facility is on a bed.

30 CA Is the degree of overcrowding manifested by doubling up a source of conflict within the prison?

W Yes.

CA Would it be fair to presume that the more time in cell there is in a doubled-up situation, the more risk there is of conflict?

W I think that would be just a general statement. I don't know that that would reflect.

40 CA All right. How is that additional risk of conflict through the doubling-up arrangement managed?

W Numerous fashions. On the premise that as much as possible, with the double-up arrangements, providing a humane environment within the units that are overcapacity.

CA At least a bunk bed is better than a mattress on the floor, presumably?

W That would be my opinion.

50

CA That is one measure?

W Also, when the prisoners are out of cell, ensuring they have access to day-to-day functions, so that they are all getting fed, ensuring that everybody gets a meal and they are not fighting for a meal; that they get access to the phones, so we have increased - the department has increased

the number of phones within each unit. This week, we have gone to some units having three phones in them, where before they had one. We have doubled up the washing machines and dryers within a unit so that there are enough resources in there. We ensure that maintenance requests are dealt with as quickly as possible so that there is no reduction in services within the unit. We supply more activities and cleaning products to the prisoners. Just the little issues that could flare up are minimised. Also in the staffing arrangements and how we manage the facility on a daily basis.

10

CA One of the comments that the Chief Inspector made in the 2017 report was the limited time that remand prisoners were actually out of unit. Has that been able to be addressed?

W The limited time out of unit was due to a security upgrade within the facility. That was a security upgrade of the perimeter and also putting a number of cameras within the facility. There is construction happening at the facility. It did happen at that time, and the construction is still under way.

20

We have a site manager that is a GEO employee. One of his functions is to maximise the access to ovals in the facility and ensure that - a contractor might, for example, be driving past an oval and say that, for security reasons, that oval can't be opened. Our contract, our manager, will have discussions with the company and ensure that, "All right, we will stop movement for that period of time, but we are not shutting the oval down for the morning. We will secure the oval for the 10 minutes to go past." So, daily, we are maximising the access to the oval and outside activities to the best of our ability.

30

CA The Chief Inspector noted that it might not be across the board, but there was certainly a proportion of prisoners who were getting about three hours a week out of unit.

W Yes.

CA What's the goal? If it's something more than three, what is it?

W I'd say four.

40

CA Typically, is that oval and gym?

W Oval and/or gym. I don't know if you know the design of the facility, but the units have exercise yards attached to them. Any time during the day when they're in the unit, they have access to an outside area for exercise and they can take up that option.

CA With equipment, for example?

50

W Yes.

CA Despite the measures that you have described, you would be aware that the data on assault rates indicates a substantial increase over the last several years.

W Yes.

- CA Just to give that some focus - and I appreciate this is a little bit dated, but there is some data on page 44 of the report.
- W Yes.
- CA Whatever the precise figures currently, would you accept - I suppose you would have to accept that there has been, according to the data, a marked increase in assault rates of the kind that is described by the inspector there?
- 10 W Yes.
- CA Do you have a view as to what might be the causes of that?
- W There are a couple.
- CA It would be part of your job to think about these things, wouldn't it?
- 20 W Yes, it's a daily thought process. Around 2014, the department changed the definition or how the definition was applied within the facilities. As an example, prison assault on other, which might be two prisoners having an argument with each other and a short altercation, would just be not reported as an incident. This was both departmental and private contractors. Now, over a period of time - in that time, they are all to be recorded.
- 30 Also, the definition of how the definition is applied for serious assault was changed. At the time, the definition of serious assault was a prisoner that was involved in an assault that was hospitalised for overnight or a 24-hour period. That was the definition of "serious assault".
- The current interpretation of "serious assault" is if a prisoner gets a stitch during an altercation. That prisoner might not even leave the facility, but if he has a stitch, then that's a serious assault. In saying this, that's not minimising at all the assaults and serious assaults. That's just an occurrence at that period of time.
- 40 CA An explanation why the data might spike the level that it's at?
- W Yes, and-
- CA I'm sorry to interrupt you, but can I make the point, to take up what you have just said, that it is not only the figures in absolute terms; it is how they might compare with other centres. The inspector actually notes that in this report, at the bottom of the page, by referring to a high rate of prisoner-on-prisoner assaults in comparison to other centres. So on a comparative basis-
- 50 W Yes, and as I said-
- CA -there is a high rate of assaults, and it might even be the highest of the centres?
- W I think that we are the highest of the centres. As I said, in making those comments about the definition, that was only a small component without

going into increased capacity-

CA Understood, yes.

W -increased awareness of our staff, increased reporting of our staff. But it doesn't minimise that these events haven't occurred. They have.

10 CA The inspector makes a comment that the increases have coincided with the introduction of doubling up but went on to say that whether there is a causal link hasn't been ascertained. Do you have a view about that?

W In my experience, a low percentage of doubling up doesn't affect the operation of the facility, so above 5 per cent capacity. When we experience double-ups to a lower level, it hasn't changed the-

CA Assault profile?

20 W -assault profile or the day-to-day facility. But we are at unprecedented levels, so there is a definite correlation between the two. I don't know - there have been no longitudinal studies, but the data-

CA It is probably difficult to be scientific about it; would that be right?

W Yes. The data is the data.

CA What violence reduction strategies are in place at Arthur Gorrie?

30 W Numerous. One of the assault reductions is ensuring that those things that I spoke about before, in prisoner needs, are met in a quick fashion, so the tension doesn't escalate because we haven't provided something that a prisoner should have. That's just one.

CA One of the things the Chief Inspector suggested in this report is that the degree of apparent inactivity might be addressed as one means of dealing with this.

W Yes.

40 CA Has that been able to be addressed?

W As I mentioned, we're maximising the infrastructure that we have. We are continually maximising the infrastructure we have and trying to stretch it to capacities. I think I'm not giving you the whole sort of view. It has been shortened, unfortunately. But ensuring that we maximise the activity that we have and then looking at what activities we can improve upon.

50 In this report, it also states that one of our strategies was - we used to have security officers that we called "activities officers" that would just supervise gym. You would send the prisoners to the gym or oval, and they would just be supervised by security staff. We implemented where we actually got a qualified physical trainer, a Cert IV qualified trainer, to actually be able to go and do programmed and meaningful activities with individuals.

That position not only creates an environment where they will organise

activities, it will be team events where they will have teams - football, tennis, table tennis, volleyball, team events within the facility, to create that extra motivation to get into sport.

That individual also works with aged and infirm prisoners to create activity and a proper program for them to exercise, and diet-wise. That person has created a program where they do a fitness program for a period of three months for prisoners that want to get involved to get a higher level of fitness. That's one area of activity.

10

The department has offered us opportunities for more programs within the facility. As I think has been stated, we offer a lot more programs now than we did in 2013-2014. The department continually is increasing the programs that are offered at our facility. What we're finding is a high level of motivation for prisoners and high levels of completion rates for those programs, so we are having - we can do with more.

20

CA Do you have an unsatisfied demand that you are aware of from prisoners to engage in whatever kind of program that is offered, just for something to do?

W I would say anecdotally, yes. But complaints from prisoners - so one of the sources from a general manager is reviewing the complaints within the facility. I don't get complaints of prisoners not having access to programs or employment.

30

CA Just as a comment, we have noted that from the 2017 data, 740 prisoners were not in education or working. I notice in the last sentence on page 4 of the submission that "Arthur Gorrie has had great success in motivating and encouraging prisoners to participate in education", et cetera. It seems not to match the data. Would that be unfair?

W I think it would be unfair.

CA Why?

40

W Given the increase in programs that we've - we've had a large increase in our programs. Five years ago, we offered very little programs within the facility. I don't know the percentages, but we offer a lot of programs now.

CA But the inspectors were making commentary on this in July 2017.

W Yes.

CA It's not that long ago.

W I understand that.

50

CA One of the comments - at page 50, the inspectors note, in the third-last paragraph, that a considerable number of idle prisoners are being confined for lengthy periods at close quarters with nothing much to do. If that be the case, is that a breeding ground for conflict?

W It can be, yes.

CA Would you accept that that is the case, as the inspectors have described?

W As a single issue, yes, and I think we stated that we have an untapped-

CA The inspector goes on to say that given that incidents are increasing markedly, it would be highly desirable that more out-of-unit activities be offered than is the case.

W As I've said before, in the management of a prison, it's not just one - getting the prisoners out of the unit is one aspect. Not all prisoners want to go on the oval. Not all prisoners want to go to the gym.

CA They are offered the opportunity, are they?

W Yes.

CA You don't make them?

W No, no. That would be one thing that can be increased. But if we just did that one thing, I don't think it would improve dramatically. It needs to be a whole - a larger approach.

CA Would you accept that there is a problem with the degree of inactivity at Arthur Gorrie?

W Yes.

CA But do I understand you correctly that that hasn't translated to be a source of complaint to you through the complaints system?

W Correct.

CA The Deputy Commissioner spoke yesterday about the work of violence reduction coordinators, at least in the public centres.

W Yes.

CA Does Arthur Gorrie have anything similar?

W Yes.

CA How does it work?

W We have a safe committee meeting weekly. That committee has met for many years and reviews prisoners on separate confinement, intensive management plans and any high-level prisoners within the facility. Essentially, it is looking at prisoners that require special attention.

CA To bring that cohort to attention?

W Yes.

CA Is it an awareness thing?

W Well, it's not to bring them to attention. They are at our attention, and we are actually managing that cohort, would be a better way. That has gone on for years, and that committee has given us recommendations over

a period of time of what we could do better, or what we can try, to actually reduce violence.

At the same time, over the last couple of years, the department have introduced either a "stay safe" concept or now they are into the violence prevention committee or violence prevention coordinators. We have been going along with a like committee.

10 We are involved at an operational level with the department with their violence prevention. We have two supervisors that have that portfolio of violence prevention members, and they go to the department and discuss - so they are involved in the department's violence prevention committee meetings. An example is that they have gone to one of the meetings and they brought back a program that was developed at Wolston, and we have now implemented that program at Arthur Gorrie, the peace program.

20 CA Are there other ways in which the work of this committee has resulted in some concrete strategies that have been implemented?

W Some that have worked and some that haven't worked. I can talk about one that didn't work-

CA Okay.

30 W -rather than talk about all the good things. It was seen that assaults were happening out of officers' views. They'd go into the common toilet in the unit, and then they'd come out and there would be black eyes and we wouldn't actually see the assaults. So the proposal came forward to actually secure those areas and have the officers unlock it at frequent times, or giving cell access to prisoners for them to-

CA So the toilets were locked, effectively?

W Yes.

CA And that didn't work out?

40 W It didn't work out. It was just seen to be too strong-handed, not allowing prisoners to have free access to toilets within the facility. So we trialled that and very quickly stopped that. That is an example of trying different things to alleviate - you know.

CA Arthur Gorrie also has a particular incident review method; am I right?

W Correct.

CA It potentially involves an incident review committee?

50 W Committee, yes.

CA Do I understand, though, that it is a two-phased form of incident review?

W I don't know how many phases are actually in it, sorry.

CA All right. Speaking, though, of incident review, is that concerned with the

use of force?

W Yes.

CA Are we talking about use of force by officers?

W Yes.

10 CA What obligation is there for a use of force to be recorded - and I take it that would be on IOMS?

W The obligation is that every incident of use of force is to be recorded on IOMS.

CA Is there any threshold, though? When we talk about use of force, what would qualify as a use of force - any kind of touching or something more?

20 W Application of restraints. So your touching there isn't a use of force. We will apply restraints in our day-to-day duties, escorting prisoners out of the facility or moving them around the facility for a specific reason.

CA It wouldn't be confined to that, though, would it?

W It wouldn't be a use of force. But any time that an officer has to touch a prisoner to get them to comply would be a use of force.

CA What is the source of obligation to record that in some way?

30 W It's a tick on the box of IOMS that if an officer has touched a prisoner, they tick that box.

CA But the source of the obligation, is it in a code of conduct or COPD, or both, do you know?

W It's just - yes, it's a requirement, if those circumstances happen within the facility, that you tick the "use of force" box.

40 CA How could you be satisfied that correctional officers are aware of the obligation to make a report of use of force?

W The officers that are involved in it, they don't do the IOMS entry. We have a manager that does the incident report, and they will review the reports and the content of the reports, and if it mentions a use of force under the category that we said, they will tick the "use of force" box.

CA If an officer has been involved in the use of force, how would that be reported if that officer doesn't make the report on IOMS?

50 W In a use of force, there's always more than one officer. If it's less than one officer, it's self-defence.

CA Is that how it is categorised?

W No. That's my opinion.

CA Okay.

W Unless an officer is assaulting - or allegations of assault of a prisoner. But it is a requirement of your job to report all uses of force.

CA Where is it to be reported? Is it to be reported to an individual? Is it to be reported on IOMS?

W It's an incident report. Every incident of use of force goes on an incident report. A use of force is an easy one. They're just reported.

10 CA So there is a form, is there, a paper form or electronic form?

W An incident occurs. The officer writes a report, or a number of reports, that a manager will review, and he will see a use of force and tick that box.

CA For the purpose of keeping statistics, for one thing, so that you can relate it to KPIs, is it entered on IOMS? Is that the statistical-

20 W Yes, the IOMS will keep the statistics. That's the department's data.

CA Who makes the entry on to IOMS of the incident? Is that the reviewing officer?

W Yes, the manager that I spoke about that reviews the reports.

CA In that way, an incident report is created?

W Yes.

30 CA How does that, then, come to the attention of the incident review committee?

W Use of force, once there is a use of force applied, then that automatically goes to the incident review committee for review. We have a contract compliance manager, and he will review all incidents within the facility. Our deputy general manager will review all incidents within the facility. I'll be aware of all incidents within the facility, but the obligation of taking it to the incident review committee is the contract compliance manager's obligation.

40 CA That is an officer of CMU; is that right?

W Officer of?

CA Contract management unit.

W No. The incident review committee is a GEO procedure, so the contract manager is a senior manager at Arthur Gorrie, who reports directly to me.

50 CA Presumably about matters of contract compliance?

W Yes.

CA But independently of contract management unit?

W Yes.

CA They report directly, do they, to QCS?

W The contract manager?

CA The contract management unit.

W Yes, the contract management unit.

10 CA Do they copy you, for example, to information they give back to QCS about compliance issues?

W I'm aware of correspondence. Whether they give me all the correspondence, I'm not aware.

CA In any event, within the centre, quite independent of the function of the contract management unit, there is at least one officer whose function is to assess contract compliance; is that right?

20 W Yes. We have a team of three that review contract compliance that are GEO employees.

CA Part of that function involves review of incidents, does it?

W Yes.

CA And referral of an incident, then, to the incident review committee?

30 W Yes.

CA Arising from a review of an incident by the incident review committee, what good could be expected to come out of it?

W The incident review committee reviews all uses of force. In reviewing that, what they review is the incident report, all the officers' reports and all the CCTV footage and body camera footage. That committee comprises the health services manager, our prisoner development manager, so our psychologist, for want of a better term, also contract compliance, intel, and we have a custodial representative on that team.

40 W They will review all aspects, and they have a template to ensure that they actually review, so compliant incident reporting, compliant coding. All officer reports are attached. So they do a compliance tick. Then they go into a review of the root cause of the incident, so they will give a root cause of what caused the incident. They'll give any opportunities for training for individuals involved. They will make recommendations as to whether it was within the code of conduct or not within the conduct, that use of force, and they will provide me with findings, and then I review the incident committee's report.

50 CA Hypothetically, if the opinion of the incident review committee was that a use of force was not appropriate, not within the code of conduct, what would happen?

W Sorry, before I answer that, the contract management unit has an open

invitation to the incident reviews. They can come in at any point. They are in an observer role. So the contract manager or monitor will come in at times to review the committee review.

If they deem it to be not justifiable or reasonable use of force, that will get reported to me straightaway after the committee meeting. Then I'll go through my reporting requirements, which is reporting to contract management unit that we have an unauthorised use of force. That report then goes to ethical standards, CSIU and also to the GEO company, as well, for them to do a report.

10

CA An example of inappropriate use of force could find its way as a referral to CSIU?

W Yes.

CA And also to ethical standards, I think you mentioned?

W Yes.

20

CA Is that QCS's Ethical Standards Unit?

W Yes.

CA What about other kinds of staff misconduct not comprising excessive use of force, how would that be detected within Arthur Gorrie?

30

W Numerous avenues. There's no one set way that misconduct by staff is reported. That could be reported from other staff members. It can be reported from prisoners. It can be reported from prisoners' families. It can be reported by official visitors visiting the facility.

CA How would complaints from those diverse sources potentially be channelled for consideration?

W It depends where that source has actually made the complaint. Some of those complaints will go directly to the department. Some of those complaints will go directly to our head office.

40

CA Is there a point of coordination?

W The coordination is complaints management. We have a complaints management database and that's the one source. The avenues for making a complaint are numerous, but they are all put together in one database.

CA Then does it fall to someone's function to assess and investigate those complaints? We are dealing now with staff conduct, not more broadly.

50

W It depends on the level of complaint. Some might be a minor complaint. I am not trying to minimise things, but it could be as serious as an officer bringing drugs within facility. That will trigger a very high-level but probably confidential reporting mechanism through intelligence reports, through the intel section, and-

CA But, sorry, just in terms of process, you mentioned complaints can be made from diverse sources. Accepting that, do they come to some central

point for assessment, or what is the process by which the complaint is considered?

W We have our complaints management system at the facility. I can't tell you what processes are in place at Ethical Standards Unit or contract management. I can only tell you that we have a central database for complaints.

10 CA Into which complaints of this kind from these diverse sources could be expected to be entered; is that the way it works?

W Yes, yes.

CA And then in the complaints management process, there would be an assessment of the nature and severity of it that would dictate how it's dealt with?

W Correct.

20 CA As another internal control, the submission makes reference to the Office of Professional Integrity. Are you familiar with that?

W Yes. I don't have the submission in front of me now, but I am familiar with the Office of Professional Integrity, yes.

CA I was going to ask you what is its purpose and how does it function?

30 W I think the name sort of gives an indication of the purpose. That position reports directly to the managing director and he's independent to all the facilities and all executive directors of the company. He does all the investigations that occur from head office.

CA In relation to this OPI, as it is called, the submission is in terms that as a matter of policy, GEO investigates use of force incidents independently by its Office of Professional Integrity. Is that, then, independent of this complaints review, incident review process?

W Yes.

40 CA What would trigger it?

W My referral, on reviewing of the incident review committee, to my director that it needs an investigation. Also on that-

CA I'm sorry to interrupt. It is not all uses of force?

W No, it is not all uses of force. I think Keith KETHEESWARAN earlier in the week mentioned our risk wizard database.

50 CA Yes. Is that something you use?

W Yes. We mirror the department's incident reporting on a GEO incident reporting database that is controlled by head office. They will review on a daily basis all the incidents of the facility that GEO manages. The director and Mr LAING will review all incidents and they will make a determination on that separately to what I'm doing within the facility.

- CA I'm sorry, I am not sure I am quite clear. I have thought you said before that matters were referred to the Office of Professional Integrity by you, on your assessment?
- W They will do a review. They get a number of reports, and they will look for trends, and so forth. I separately do my review, and mine is, I would say, a more thorough review because we have reviewed the incidents reports and the CCTV footage. I will refer them to head office.
- 10 CA In terms of dealing with potential misconduct by staff, say an excessive use of force, let's assume that CSIU are not going to charge anyone. How would it be determined whether there had been an appropriate use of force and, if so, how would the officer be disciplined?
- W We don't use the threshold of the CSIU to whether a use of force - whether there is going to be a criminal charge or not going to be a criminal charge. There is a high level of evidence or proof required. We use the likely probability measure, as opposed to - so that's the measure that we would use in investigating.
- 20 CA But is a determination of staff misconduct made within GEO's processes?
- W Yes.
- CA Or is it made by Ethical Standards Unit of QCS?
- W Again, there are probably dual systems. Once it goes to Ethical Standards, they have their reporting requirements that they will follow, and I'm not sure of the protocols that are attached to Ethical Standards Unit, other than we have contact with them and they will ask and then we will communicate with them.
- 30 CA But just so that I understand processes, correctional officers who are employees of GEO, which is all of them-
- W Yes, yes.
- CA -are they subject to oversight by ESU?
- 40 W Yes.
- CA They are?
- W Yes.
- CA To the same degree and in the same way as officers who are employees of QCS?
- 50 W That's my understanding, yes.
- CA Is there any disciplinary process that GEO has that operates in parallel with or independently of the work of ESU?
- W I would say it's independent.

CA Could you explain that, just so we know?

W Maybe by way of example, and you can tell me if it explains it or not?

CA Yes.

W So a code of conduct issue - a staff member inappropriately accessed IOMS. We reported that. That was one complaint that came external to us. It wasn't an internal find. We then got our officer to do an investigation on that, and also Ethical Standards were kept informed and provided with our officer reports - his report. And our disciplinary processes or procedure was independent to what occurred on that occasion.

10

W I'm aware that the CCC was informed by Ethical Standards of this occurrence. Again, I don't know the protocols of what threshold goes to the CCC or does not go to the CCC. But we conducted our investigation independent to the external sources and their interest in the matter. I don't know if that answers your question.

20

CA Does GEO have a mechanism for disciplining or perhaps even dismissing staff independently of any determinations made by ESU?

W Yes.

CA In what circumstances would that process apply?

W It depends on the seriousness of the misconduct. If it is gross misconduct and very serious, we might make the determination for instant dismissal, but the more general process is that we go through an investigation. On a serious issue, we will suspend the officer with pay and then conduct an independent investigation.

30

W I think you have heard the credentials of Mr Jock LANG, Chief Inspector for ICAC in New South Wales, and he will conduct the investigation while that officer is suspended from duty. He will then come up with recommendations on the evidence that he has found.

CA How would a particular matter of misconduct form the subject of that process as opposed to consideration by ESU?

40

W As I said, they are two parallel processes. I'm not aware of the protocols that ESU go through.

CA No, but the protocol that might lead an incident to go to one path as opposed to another.

W I know I'm not answering your question, because I don't think I understand it. We have an independent process and we report to Ethical Standards the incident.

50

CA So it is not an either/or?

W No.

CA You are investigating the same matter internally as ESU would

investigate?

W Yes, yes.

CA I think you have mentioned they are in parallel?

W They are in parallel. We have no-

CA Two sources of inquiry of the same incident?

10

W Maybe if I'd said that a while ago, it would have helped.

CA My mistake. Can I ask you about a different subject. It concerns contraband and drugs in particular. There was some data about that in the inspector's report, if you still have it in front of you, at page 23. Illicit drug use is one of the KPIs under the contract, is it not?

W Correct.

20 CA The base standard set under the contract is not being met at the moment, is it?

W Correct.

CA And has not been for some time?

30 W It depends on your "some time". I would say last year was the first year that we didn't meet it since I've been at the facility. So in the five years, last year was the first time we didn't meet it, and we're not tracking to meet it this year. In the last five years, we've met it three times.

CA Do you have page 23 there?

W Yes, I do.

40 CA You will see there's a set of data included, noting that non-prisoner supply has risen significantly, by 200 per cent in fact, from 2012 through to 2016. In addition to that, page 49 notes in relation to drug tests of prisoners conducted that that has also doubled in the same time frame. What measures can be taken to try to arrest that?

W The two main sources of drugs coming into any facility are through visits or mail. If you have a look at page 23, the comparative data that was supplied of our detections is significantly higher than any other facility. To translate that, we subject all visitors into the facility to the biometrics. That creates a lot more hits of positives, where other facilities might do it randomly or might not do it at all. That, again, is going to one-

50 CA Yes. The inspector allows for that by saying that the figures which are higher than other centres could indicate a greater degree of skill or effort by AGCC in detecting drug-related offences. That is what you are referring to?

W On that aspect, and then I was going to go to the mail.

CA You would claim that to be true?

- W I would claim that we're trying hard with the infrastructure and the technology we have.
- CA Nonetheless, the inspector offers the opinion that the data suggests the centre may have an increasingly significant drug problem. Do you accept that?
- 10 W Yes.
- CA How can it be addressed?
- W The drug problem is very complex and it is a worldwide correctional problem-
- CA I am sorry to interrupt you. You would maintain that your detection methods are good? I think that was-
- 20 W No. We do the best with the detection measures we can. The availability - and Subutex is the main - it's the drug of choice in prisons. That drug is on the PBS scheme and is prescribed. It's not an illegal drug. It comes in wafer forms, and so it is very easy for a visitor or mail to bring that into the facility. Our tests would show that the large majority of positives are for Subutex within the facility. So it is the availability and the increased demand. We have a number of barriers in place, but there's no one system that's going to stop the drugs coming in to the gaol, unfortunately.
- 30 CA At Arthur Gorrie, has the rate of drug testing been constant or has it reduced in more recent times, do you know?
- W Constant. We have two forms of drug testing. You have the random drug testings, which are set by an independent source, not us; and then we have our targeted drug testing.
- CA How is the rate of tests determined?
- W Random?
- 40 CA Not so much whether they are random or whether they are targeted but the rate of them, that is to say, how many would be conducted over a given period of time?
- W The random is a percentage of the population over a period of time, so that's set. It is important to say that. The random is not a random figure, and timings. We get so many that we have to do on a weekly basis, and the prisoners that are tested aren't selected by us. They are selected by - I think it is a computer system that randomly selects prisoners.
- 50 CA You are saying, I think, that there is a fixed proportion, being a proportion of the overall population?
- W A percentage. I am unsure of the formula.
- CA Is it written in a contract or somewhere else what the proportion would be?

W I think it's in a COPD or a procedure as to - because the same measure is for every correctional facility.

CA And you apply that measure?

W We don't apply it. We get it given to us on a weekly basis.

CA But you act as that direction requires?

10 W Yes, yes. And then targets - targets are from intelligence information, officer detection. That will be a more random figure, depending on the information that officers or other people supply, behaviours of prisoners. So the actual targeted process is more random than the random process, if that makes sense.

CA Is that a convenient time, Commissioner, for the morning break?

PO Yes, certainly. We will come back at 10 to 12.

20 SHORT ADJOURNMENT

PO Yes, Mr RICE.

CA Thank you.

30 W Mr ITTENSOHN, GEO's submission refers at one part to its alertness to the need to build and maintain the right workplace culture. Could you tell us how that aim is reflected at Arthur Gorrie?

W I think I briefly touched on it earlier, but if I'm specific to, say, our recruiting of new staff and how we bring new staff on to the facility, I'll talk specifically to custodial officers.

CA Yes, please.

W We do workplace planning so that we actually know well in advance what recruits are required to ensure that we maintain the highest number of staff in the facility at all times. Workforce planning is about ensuring that

40 We will plan six months before for a recruiting course. What we've found in our last recruiting course is that we only got 190 applications, and that reflected to about 15 staff that came on board. We have partnered with Employment Plus to do a multi-media focus on getting employees into the facility, coming into a focus of getting the right people to look at the ads and want to come and join GEO.

CA Did I understand you to say that there were 190 applicants, which translated to 15 staff?

50 W Yes, 15, 16 staff.

CA Is that due to the vetting process?

W Yes.

CA But you want a wider pool?

W Yes.

CA Is that right?

W With our workforce planning, we know that we need more than that to maintain the facility at appropriate staffing levels. We've gone through with Employment Plus, and we have sat down with them, as a specialist recruiting agency, and discussed with them the type of officer or the characteristics of the officer that we want to go through the recruiting process and be the officers on the ground. They obviously have expertise in recruiting and matching our advertising campaign with our philosophy of staff on the floor. They have done a wide campaign to actually get more people interested in actually becoming part of the workforce.

20 Hence a vetting process starts at the actual advertisement. They then do a vetting of those, of staff, and I will say that in the large recruiting campaign, we got over 1,100 applicants. At this point, we see that that is successful in actually getting the numbers, but not successful until we actually see the product on the floor.

CA What number of staff might that be expected to translate to?

W That process, as I said, is a six-month process.

CA It is an ongoing one?

30 W It is an ongoing process. We're down to the finality of that, but we haven't actually selected the number. I can say it's plus 45, 40 to 45 that will come out of this process.

CA Will that constitute one training course or more than one?

W Depending on the numbers that we end up with, it might do two; it might do one. I would say a maximum of 30 on a course, depending on how you do it, would be ideal.

40 CA By the way, has GEO's training course been benchmarked against the content of other courses, such as QCS's, for example?

W Yes, it is a requirement under our standards, not KPI but the other standards, to ensure that our pre-service course meets the requirements of QCS and they've got that content.

CA Who would determine that the content is appropriate and meets required standards?

50 W We would send it to contract management unit, and I'm assuming that they would then get instructions from Mr Alan BUTLER or someone in his team, remembering that a pre-service course is to make a person job ready, not to actually get them the Certificate III qualification required to be a correctional officer.

CA Upon being selected through the recruitment and pre-service training, the

same Cert III requirement applies to GEO staff as for QCS?

W Yes.

CA It is the same content, is it?

W Yes.

CA The same 17 skills that Mr BUTLER spoke about?

10

W Yes. Just in the recruiting process, and I'll go quickly, the vetting process is about getting ethical, resilient individuals that have a broad range of skills that they will bring to the job. So it's not just your criminologists that will get into the course; it could be someone that has a broad range of skills, so we're getting a character of a person to come into the correctionals.

20

CA Again, the submission refers to the staff training being an opportunity to mould behaviour and contribute to culture. Are you able to tell us how that's done?

W Sorry, just lastly on the recruitment process, they go through a psychometric test. That psychometric test is a law enforcement test that is done by New South Wales Corrections. Sorry.

CA That's okay.

30

W The culture of the training course. The requirement of a correctional officer, when they come in and want to be a correctional officer, is that of being what I call a reasonable person and that is someone that is of high character. We instill that throughout the course, the characteristics of - now that you are a correctional officer, your life has changed.

40

The first session of every pre-service course is myself, and I will congratulate the individuals for getting into this environment. I'll describe, once again, the challenges of the environment, but, most importantly, I tell them that their life has changed. From this day forward, their life has changed in how they interact in public - or to public, with their family, that they have taken on the responsibility of ethical conduct.

I use examples with them of social media, that we will vet their social media as to - people will tell us of things on Facebook, and so forth. We will get intel to investigate social media.

50

I give them examples that I've been through in my correctional experience, where I've gone to a barbecue and I might have someone in my facility and someone will know, and they'll ask questions about that individual. What are they doing? As a correctional officer, you're in the general public; people are very inquisitive. So I use that live example right at the beginning of the induction course and tell them that they need to ensure that they review their behaviours outside and tone that in.

If you look at the subjects within an induction course, many of them have a requirement of ethical behaviour to actually achieve or to do the job of a correctional officer, be it searching, use of force - everything requires that you have an ethical and strong character and are above reproach. That

is notwithstanding the actual ethical subjects that are in the course - code of conduct, and so forth.

To the end, where we have our graduation ceremony. At every graduation ceremony, I'll discuss the same factors with the family, so the family are of understanding that they need to support their significant others in this industry, for those reasons that I have mentioned. That's just one component.

10 CA Okay. Thank you. One can imagine that new recruits, through their enthusiasm, might be ready to take that on board amongst the wider training, but in an in-centre environment, how do you sustain that?

W Within the first week of an induction course, the trainees come into the facility. We have a mentor program. We have mentors within the facility that will get allocated a number of staff. That individual that we have selected as a mentor has had training in how to support someone. The officers, within the first week, are creating relationships with people that we have determined are of high character. They meet with them throughout the course and when they're actually in the job. So the staff member, be it an ethical dilemma or not understanding how a process or procedure is conducted, will have a mentor, a peer, that they can refer to. That's at the peer level. Adding to that would be their contact with managers and supervisors throughout the course.

20

CA Is this matter of ethical standards and integrity reinforced over time? It is easy to imagine that some correctional officers have been there many years. Is there some periodic reinforcement of these kinds of values?

30 W We have a 12-month requirement to renew the code of conduct, and that is an online training and there is a requirement to read and tick and select your acknowledgement. That's just an electronic way to reinforce every year a requirement of code of conduct.

CA Are the values of integrity impacted on in any way adversely by the pressures of overcrowding?

W You would have to say they are. All characteristics would be tested in an overcrowded environment.

40

CA Are you able to describe, from the sense you have, what additional pressures staff are put under on a day-to-day basis through the 155 per cent capacity?

W All areas of the facility? If I go through the program staff, as we were talking about earlier, we are ensuring that we get a large number of prisoners out on activity, so there are pressures on the program staff to get a churn through, for want of a better term.

50 There are pressures on all the assessments that are required and conducted and to ensure that they are at a high level when we are assessing someone's at-risk behaviour or where they are placed within the facility.

We have an average of 280 to 310 association issues within our facility.

CA How do they come to light?

- W An association issue would be two gang members or a number of gangs not being able to associate.
- CA Associations between prisoners?
- W Between the prisoners. You will have instances where two prisoners have had a fight and are no longer to associate together. So the pressure of that level of association issues and ensuring that prisoners aren't allocated into units with association issues is high. We actually have a full-time allocation officer that reviews the association issues before placing someone in a unit or before a prisoner moves to another unit.
- 10
- 20 There will be pressures in a unit, for example, association issues - I mentioned the number. We will have times where we can't not accommodate two in an area, because of the level of association issues. So officers will have to ensure that, within the unit, those two don't associate. That will be proceduralised through an IMP on how that is to occur, but it is pressure. When someone might be in an interview room and another prisoner might be called to the medical centre or for an escort, they have to take those interactions into account.
- CA Have staff numbers kept up to appropriate levels for an increased cohort?
- W Yes. It goes to operating philosophy. In 2013, when I commenced at the facility, 872 was the capacity, and we have built our capacity in tranches over that period of time. So they haven't all come in over one night. It has come in over a period of time.
- 30 When we first were requested to take on double-ups, and as per our contract we are required to, we went to a conciliation with the United Voice and we came to an agreement of an extra staff member for every 25 prisoners that came in. We've maintained that, and, in fact, we've actually got more staff than that ratio that was agreed to our double-up numbers.
- CA There may be also a question of distribution of those staff. How do you monitor the-
- 40 W Firstly, before I go on to distribution, we have also increased other facilities - more program staff, more sentence management staff, more catering staff, more nurses. We have increased those auxiliary services to ensure that we meet the required standards that I spoke about earlier.
- 50 The operating philosophy of Arthur Gorrie at 872 is totally different to what it is now. We always have had two officers to a unit, and I think it was explained that those two officers in the unit can be two officers in the fishbowl or one officer in the unit with a support rover or someone else coming into the unit.
- When we were at 872, when we had two officers in the unit and we didn't have so many rovers, the administration tasks or duties that would take staff away from the units were many. So there were high periods throughout the day when there might only be an observer in an observation area and no other officer in the unit.

When we started taking on prisoners, what we would do is put all prisoners in one unit. If we were over 50, we might - well, we did - put those 50 prisoners extra into two units and supply staff members into those two units. As we kept increasing prisoner numbers, we then went through changing that operation where we took the requirement of the officers, two officers in the unit, to actually do administration duties - and when I say "administration duties", escorting prisoners, picking up property, just day-to-day issues in managing the unit that would take you away from that. That is now done by rovers.

10

Every time we increased capacity, we sat down with the union and talked through these philosophy changes and how we were going to change, and it was agreed to.

Our current situation is that we have two officers in units. We have five different configurations of units within the facility, so it's not just one design. Some have fishbowls. Some have officer stations. Some are 24-bed units; some are 40-bed units; some are 50-bed units. So it is a multi, not one size fits all.

20

We do have staff deployed into larger units, but within the small units, which still are high capacity, we ensure that the officers are two officers per unit and increasing that observation where there's less observation than would have occurred if we didn't have those prisoners. It is a development over time, and if we were to increase our capacity again, we'd have to re-evaluate our operational philosophy.

CA You mentioned associations with respect to those that exist amongst the prisoners. Is there any policy concerning disclosure of conflicts of interest, potential associations, involving staff?

30

W Yes, under the code of conduct, very specific.

CA It is in the code of conduct?

W It's very specific.

CA You may have told me already, but apart from the initial training and the code of conduct - and take that as a specific example of a component of the code of conduct that staff would benefit from being reminded of. Is there a strategy for doing that?

40

W I would say the strategy is - staff do do reports. Because we are a transient population and people have relationships, they will be aware of someone coming into custody and they will make our intel officer aware. When those occasions occur, we'll do a communication or a message out to staff reminding them of the requirement to provide the information. There's no strategy of, you know, every three months we will do a reminder. It is more that, as it occurs, it will prompt us to remind the general staff population of that.

50

CA And does that happen from time to time?

W Yes, it's a regular occurrence. When you have a high number of staff and a high turnover of prisoners, they might have a cousin, a nephew or someone they were in a relationship with has come to gaol. It's a constant

within the facility.

CA One perhaps fairly small area concerns the use of safety orders.

W Yes.

CA For your centre, the number of safety orders is quite low.

W Correct.

10

CA Is that a coincidence or is that a product of some management strategy that perhaps avoids the use of safety orders?

W It is a management strategy.

CA Can you explain what it is?

W We have 1,180 - a large number of prisoners.

20

CA And a handful of safety orders?

W And a handful of safety orders and a detention unit that has a capacity of 12. For those who don't know the correctional industry, that is a very low capacity. That is half the capacity of the detention unit that the facility opened with, with the 380 capacity.

CA Is that the only place for segregation, the detention unit?

30

W No. If we talk about a strategy, our detention unit is a place of last resort that we will use at the facility. Even with the capacity of 12, we'll often have 7 in it, 10 in it, 8 in it. It is very rarely full, because we'll use other strategies to move prisoners or make sure prisoners are managed safely but within an integration model process.

40

I talked earlier about the safety committee meeting. That meets weekly. The safety orders are reviewed monthly. But those individuals that are on safety orders are actually reviewed weekly by that committee as to how they've gone for the week; can they be taken off early; do we need to do a consecutive. There is a high level of review on anybody that we put in a safety order regime or an intensive management regime.

CA There are not so many of those, and I suppose the interest is how you manage to avoid going down that pathway?

W That is through a high level of vision of those individuals, where they are placed within the facility.

CA Do you have a view about the success of that?

50

W Just the numbers within the facility, I think it is successful. If we went for an ulterior practice of everybody having been on separate confinement or on safety orders for long periods of time, we wouldn't be able to manage that strategy with the capacity that we have.

CA Tell us if it is the case that the limited capacity of the detention unit really dictates that you adopt some other methods?

W It is a consideration, but good management practice for the people within your care is to ensure that their regime, especially if you are confining their regime, is measured regularly and at the earliest opportunity, when it is safe and appropriate, to put them back into a normal regime.

10 Our intensive management branch has three stages that a prisoner will go through before they're considered a normal prisoner, and that will be three levels of supervision. For example, a flow process might be that someone will be on a safety order, then a consecutive safety order. Then when they come off the safety order, we'll put them into a unit and they'll have limited time out of cell, limited mobility throughout the facility, testing their behaviours. That, as I said, is done over a period of time until they come out at the end of the process with no supervision restrictions on them.

20 CA The area we are discussing may have another implication. Let it be assumed that GEO has developed a positive and successful strategy for managing prisoners who might otherwise be regarded as difficult and might find their way onto a safety order. I am thinking in terms of the communication of that and the experience of GEO to the wider correctional community in this state. Is there a mechanism to pass on that knowledge and experience?

30 W There is a mechanism for that. Our day-to-day management and how we manage safety orders will be a discussion point at general manager meetings or forums. That management in this environment is probably specific to our infrastructure, specific to our prisoner population. So, yes, there is. It has been communicated how we do that, and it's quite open and transparent. Opportunities for the department to take pieces of that, or all that, are there, but they would have to take all those considerations in place for improving.

Also, you have the official visitors that have oversight of that, and a lot of the official visitors will go to different facilities and see different ways of those safety orders being managed. They will report that to the Office of Chief Inspector and then, from a different forum, he can look at how people are managed. So there are many forums.

40 It is a high-priority area in any prison that when you take someone's privileges off them, it is tested to ensure that you give it to them at the appropriate time.

CA Thank you. I just want to turn to some reports of incidents. I wonder if Mr ITTENSOHN could see Exhibit 55, please. This is a report of the Office of Chief Inspector concerning a disturbance at the centre in August 2016. You probably recall it?

50 W Yes, I do.

CA We don't need to go into the details, but just in terms of some of the conclusions, for example, at page 47, there were a number of findings, but one of them is at item 6, that there seemed to be, to the inspectors at least, some elements who had a poor understanding of policy and procedure concerning use of force, et cetera. It goes on to note that the incident under consideration wasn't an isolated incident or isolated occurrence of

officers not complying with section 143, et cetera. Would it be correct that this report would find its way back to you, as general manager?

W Yes.

CA Seeing something like that, what would happen?

10 W Every Office of Chief Inspector report that they do that I receive, I create an action plan to address the recommendations in the report. Then, once that action plan was finalised, I'd give that to the contract management unit, and my understanding is that it goes to the safety and security committee, as well, as the actions that we are going to put in place to address the concerns of the Office of the Chief Inspector's reports, and we do that with all the reports received.

CA By suggesting that there was a poor understanding of legislation, et cetera, it equates to a training need, does it not?

20 W Yes.

CA Is that the kind of recommendation you would make?

W That I would make? I would action, sorry, not "make". I would action that recommendation.

CA Action?

W Yes.

30 CA In short, then, are you able to say whether these incident reports are then used as a management tool for you?

W The Office of Chief Inspector reports, yes. Yes, I use them as opportunities to look at what happened in that incident, what we could do better, and action that, ensuring that we do improve.

40 CA One of the other features of the conclusions in that particular incident is at page 51, that there was, across a number of staff, inadequate reporting. How would you act on a finding of that kind?

W For this report, this incident, again we took that as - and this happened after the incident, so we didn't wait until we got the report until we actioned that one. What we did was we actually locked down the centre for the day with the staff that were involved and got them to review the reports and resubmit their reports. In saying that, the reports were inadequate to what was required, and that was significant enough for us to demonstrate to the staff that they need to put more effort in to the reports. We supplied an environment for them, so locking down the facility, ensuring they had time to write the reports and do them fully.

50 CA Does it suggest to you at least the possibility of a wider issue that may be communicated to all officers, not just those who may have been involved in the incident?

W Officer reports and how they write the officer reports is a constant issue within I know my facility and I'm assuming other facilities. What you

have is that officers will see things differently. It is well known that if someone sees an incident, they will see it different ways.

A lot of officers like to write minimally. Part of our incident review process - not the incident review committee, but the incident review process - is compliance. We will review the incident reports now and actually talk to staff as to providing more information, how they write the report, don't be so subjective, put facts in the report. So now we have a process in place to educate staff at an early level, one on one with one of the compliance coordinators.

10

CA Can I take you to a different incident report. Could I show you an abbreviated report of an incident. It is an extract that begins, as we see on the bottom right-hand corner, at page 61. Do you recognise what that is an extract from?

W Yes, yes.

CA What kind of document is this?

20

W I think this is the report from our Office of Professional Integrity, Mr LAING.

CA Professional Integrity?

W Yes, Mr LAING.

CA It concerns an incident occurring in September 2016; correct?

30

W Yes.

CA That's about a month after the one we just looked at?

W Yes.

CA I tender that extract of report.

PO Exhibit 70.

40

ADMITTED AND MARKED EXHIBIT 70

CA Paragraph 14.9 refers to the internal investigation being the subject of this report. Would that be an investigation conducted by the Office of Professional Integrity or by somebody else?

W Office of integrity, yes.

50

CA In relation to the incident, which concerned the application of some force by an officer to a prisoner which was found to be unjustified, there was an additional conclusion, which appears on page 66, at paragraph 14.36, that there was also an aspect of non-reporting. Do you see paragraph 14.36?

W Yes.

CA There was concern by the authors of the report that there was a reluctance

by correctional employees to report serious misconduct, which was described as perplexing, and that, if unchecked, it could be interpreted by external bodies as systemic at Arthur Gorrie?

W Correct.

CA If you read that kind of thing, what action - firstly, does it fall to you to take action in relation to that kind of a finding?

10 W Yes.

CA Not only with respect to the particular officer, correct, but more widely?

W Yes.

CA The particular officer, I gather, was disciplined in some way?

W Correct.

20 CA Having regard to the issue which the author raises about the reluctance to report, and bearing in mind we saw the same thing or a similar thing in the August 2016 report, how do you action plan that finding?

W That's the culture of not dobbing in a mate and call it for what it is.

CA It is probably not confined to correctional centres?

W Well, I will manage what I have underneath me.

30 CA But we are dealing with correctional centres, and in circumstances where for safety reasons and a whole range of reasons there is an obligation to do so, how do you address that?

W The obligation of staff to report accurately what they see is utmost important and a requirement of their duties. For this circumstance, the individuals that didn't report appropriately or had reluctance to report appropriately were disciplined. But from a whole-of-centre approach, it's about myself, as the general manager, and the management team giving confidence to staff that they need to report accurately what they see and do at all times. They compromise themselves, they compromise other staff and they compromise the safety of the facility if they don't accurately report.

40

As I said, the incident review that we do now on a daily basis is one of the checks that we're looking for, for incident reporting, that there's accurate reporting for officers. We will address that with officers as we see it on an as-per case when they're not reporting correctly or not reporting accurately.

50 One of the benefits of the incident review committee now is that by reviewing the CCTV footage, reviewing the incident reports, one of the points on the incident review committee is: does the report match the footage and the incident report? So there is a check and balance now of officers and how they report. Our staff are aware of that.

What we do, depending on the circumstance, we can actually - and

we have brought the officers in, put the report in front of them, got them to watch the CCTV footage and said, "How could you not have seen or why didn't you report that?"

CA What about the wider message, is that achieved through it becoming known that officers are being disciplined for such a thing or is it achieved in some other way?

10 W One of the management tools is a consequence for your behaviour. But the other way, like I have said here, is catching the behaviour at an early level so that they improve their behaviour going forward.

Officers that have been disciplined and I've spoken to them about it are advocates for accurate incident reporting. The fact that they've gone through a process, they will tell staff, "Make sure you report this correctly, accurately how you see it. You don't want to put your job on the line. It's not worth it." So there are a number of layers in how we get officers to report accurately.

20 CA Going to another of these incidents, can I show you an investigation report from January 2016. Do you recognise that as a GEO investigation report?

W Yes.

CA Dated 28 January 2016?

W Yes.

30 CA I tender that.

PO Exhibit 71.

ADMITTED AND MARKED EXHIBIT 71

CA This was some months prior. It involved an incident in December 2015.

W Yes.

40 CA It again involved inappropriate destruction of a prisoner's property by an officer, inappropriate use of force, and, as we see on page 65, paragraph 9.24 and following, there was also, once again, a failure to record material information.

Paragraph 10.5 on page 67 refers to an increase over time in the number of reported incidents, including involving use of force by custodial staff. Did it fall to you to action plan this particular one, do you remember?

50 W This is the introduction of handheld or body-worn cameras?

CA It appears in that section, yes.

W Yes, it does.

CA It was similar to the previous two that we have looked at, in as much as there was inappropriate use of force coupled with inadequate reporting?

- W Yes.
- CA So there are three incidents occurring over a nine-month period?
- W Yes.
- CA I know there are a lot of incidents and it is a big centre, but is that concerning?
- 10 W Yes.
- CA That there would be repetition of this kind of thing within the centre? It's the same failings, is what I'm getting at.
- W Yes.
- CA To avoid it being seen that this kind of thing is systemic, how would you action plan this kind of scenario?
- 20 W Out of this scenario, the introduction of the handheld cameras was put in place. Again, in this scenario, there were three officers involved - two that may have observed the incident, one of which was deemed in this investigation report not to have reported correctly and another one was inconclusive.
- 30 I did a discipline on the one that was conclusive and I also brought in the other officer and had a counselling session with that officer on accurate reporting of information. Again, this is a constant issue that we manage in the facility and we communicate out to staff the requirement of reporting, in numerous processes or numerous communications. How we communicate to staff - daily briefings, weekly reviews, specific emails out to all staff. It is something that is unacceptable and is a challenge to the management of the facility, and we continue to put in strategies to mitigate this concern and we will continue to do that going forward.
- CA This was some time ago now, back in December 2015, but it does refer to the fact that there was no body-worn camera deployed, when that was contrary to policy, I think?
- 40 W No. There was no policy at that point in time.
- CA The deployment of body-worn cameras was mandated in New South Wales but at the time was not applicable in Queensland?
- W That's correct.
- CA And is still not; is that right?
- 50 W We have introduced body-worn cameras within the facility. That's an ongoing process, but we do have body-worn cameras within the facility that we utilise for reviewing incidents.
- CA QCS has given some idea of the numbers involved and the funding constraints on it.

W Yes.

CA Are body-worn cameras more widely available to staff in GEO's centre?

W We introduced 38 body-worn cameras within the facility.

CA Well, that is more.

10 W That is more. Unfortunately, it's a story, or I have to give you the circumstances around where we were then to where we are now.

CA Is that a satisfactory level of availability or does the company have plans to increase that?

W Currently, we're down to 15. That's why, again, I needed to give you the historical information.

CA Fifteen would create some deployment issues, wouldn't it?

20 W Yes.

CA Just by virtue of the limited number?

W Yes.

CA In such a big centre?

W Yes.

30 CA Is that to be addressed, do you know?

W Yes.

CA In the near future?

W Yes. I think, again, rather than - when the company, GEO, implemented body-worn cameras, it was separate to the department's. Both were trialling them in parallel together. It was deemed that the department has a preferred device and preferred software and how that is maintained. So

40 our current system is not compliant to all the aspects of the department's body cam footage, or body cam usage.

We have been in discussions with the department, and the department now is going to procure 31 cameras for our facility and I think we will receive them in the next four weeks. So it's a moving feast, but, as the general manager, I am very happy that we are going to have the same capabilities as the state for the body-worn cameras both in the quality of the footage as well as in the storage and being able to be used for evidence.

50 CA Do you get any sense of whether they are received by officers in a positive way?

W They are very well received, and have been from day one, at Arthur Gorrie.

CA Notwithstanding a couple of incidents?

W Yes.

CA The August 2016-

W That was the implementation process, and we have worked through those issues, but staff see it as a protective - part of their PPE.

10 PO Mr ITTENSOHN, do I understand that you are down to 15 currently from the 38 initially because you are transitioning to the other model?

W Yes, there are breakages and faults. Two months ago, we ordered another 15 to keep us up until the time when we transition to the department's. So we subsequently bought some, even though we knew they would be obsolete shortly.

CA Could I just ask you about some quite specific issues concerning corruption risks.

20 W Yes.

CA We have another case study, but we perhaps don't need to go to it. I could tell you the scenario and you may recall. We are not interested in names. You may recall an incident where a particular staff member was indiscriminately accessing data from IOMS, which was no part of her duties, and then taking that away from the centre and disclosing to others the content of that.

30 That led to a complaint, which was investigated. The officer, as it turned out, readily admitted it, and I think the upshot was that the employment was terminated.

It raises a question that short of there being a complaint raised in that way, is there any policy or approach in place by which use of IOMS is monitored for its appropriateness?

W I'd have to say no.

40 CA For the detection of inappropriate use and disclosure, such as that was a clear example of, is it reliant on complaint?

W Yes.

CA Or perhaps intelligence?

W When I agreed to "complaint", it's intelligence, someone seeing a person doing inappropriate things and a complaint being generated. It is an external source or a human source that would actually give us that information.

50 CA It is reactive to information coming to light; is that the situation?

W Yes, that's correct.

CA What about detection of inappropriate relationships between staff and prisoners, is that in the same category, that it is reliant on information

coming to light?

W Yes.

CA Apart from the initial training, and I assume that that kind of thing is part of the pre-service training-

W Yes.

10 CA -how would the need to avoid inappropriate relationships and to disclose them, or to disclose any kind of developing relationship of that kind, be reinforced to staff?

W It's not specifically reinforced not to get into a relationship to staff. I would put it down to just the role of a person working in the correctional industry should be ethical and the character to not get into a relationship, or if they were feeling as such, there are examples of people leaving the industry before inappropriate things have happened that we're aware of.

20 CA In life, though, people can go through phases or incidents where they may be vulnerable?

W Yes.

CA Marriage break-ups or all kinds of things might make them susceptible to inappropriate relationships?

W Yes.

30 CA Is there any means of monitoring flags, red flags, to that kind of susceptibility?

W There would be a number of flags that would be raised but nothing specific to a relationship or the "don't have a relationship with a prisoner". An example of a separation - there are examples of what makes someone vulnerable, and we would support staff if we're aware of those vulnerabilities, not specifically to not have a relationship but just to support that individual. I don't know that we actually do it because we don't want them to get into a relationship; we do it because we want to support the staff member in the circumstances.

40

An example of that would be if someone is in a financial situation and they want to cash out some leave to be able to pay a bill, and so forth. That's supporting the staff member, and we wouldn't approve that payment in the fear that they would then become corrupt if they needed the money; it would be doing that payment because it's the right thing to support the staff member. But we would be, then, aware of that vulnerability with the staff member.

50 CA In terms of trying to minimise the introduction of contraband, I think you referred earlier to the main methods of entry being through the visitors and through mail?

W Yes.

CA Hypothetically, at least, one entry point is potentially through staff?

W Yes.

CA Does GEO have some policy on the form and frequency of staff searches with that in mind?

W There is a mandated frequency of quarterly. We will do it within the parameters but also out of those parameters as well.

10 CA That sounds like the same degree of frequency as QCS staff?

W Yes. They are randoms, and then if we have information, we'll do targeted.

CA The same thing, the same as QCS?

W Yes.

20 CA Thanks, Mr ITTENSOHN.

W Thank you.

PO Thank you, Mr RICE.

Mr SMITH, I think you are next.

AS Thank you, Mr Commissioner, just a couple of questions.

30 You were asked a little bit earlier about incident reporting. Are you comfortable that all incidents that occur in the centre are reported?

W Yes.

AS What gives you that comfort?

W Our internal mechanisms for accountability of incident reporting but also the level of review that the department puts into incident reporting. As I said earlier, the department has a full-time position just reviewing incident reports from the two private facilities.

40 The monitors that are on site will review incidents and how we report them, as to them being physically present within the facility and the reflections of the report, and I am aware of monitors actually going to our control room and looking at the control room logbook, because every time a code is called within the facility, he or she will log that - getting copies of that logbook and then looking at the incidents that we have reported over that time period and ensuring that we have reported all the incidents and at an appropriate level that they think. So there is a high level of accountability both from the centre as well as from contract management unit.

50 AS You were asked a few minutes ago about inappropriate access to IOMS. Does either yourself or GEO, to your knowledge, have any way that it can access IOMS to check what officers have been looking at?

W No.

- AS Moving on, then, to a separate topic. You are familiar with Damien DAVIE from United Voice?
- W Yes.
- AS Can you tell us when was the last time, to your knowledge, that he was at Arthur Gorrie?
- 10 W The last time he was in Arthur Gorrie that I am aware of was in November last year.
- AS No further questions.
- PO Thank you, Mr SMITH.
- Ms CLOHESSY, do you have any questions?
- PC I have no questions, thank you, Commissioner.
- 20 PO Mr SPRECKLEY, do you want to ask some questions?
- JS Yes, I do.
- PO Can you come forward to a microphone, please.
- 30 While you are coming forward, can I ask you, Mr ITTENSOHN, you told Mr SMITH that GEO doesn't have any way of checking whether an officer has accessed IOMS. Do I understand that you have no ability to audit the access to the system?
- W No, I don't. I can request from QCS for an audit to be done, but I don't have the facilities to conduct an audit myself.
- PO Have you ever, or do you intend to, from time to time, ask for an audit to be done?
- W We have done from time to time.
- 40 PO Would that be part of an investigation into potentially unauthorised access?
- W Correct.
- PO Thank you.
- JS Yes, thank you. I will be taking Mr ITTENSOHN to Exhibits 29, 36 and 47.
- 50 PO Would you like the witness to have those?
- JS That would be convenient. I will just start with Exhibit 47, which is the GEO submission, Mr ITTENSOHN, which I can see you have in front of you.
- W Yes.

JS On page 9 of the GEO submission, there is a section which is headed up "Use of Excessive Force by Corrections Officers", and there is a dot point which has a series of four roman numerated sentences. The third one, placitum (iii), states that officers may come to disrespect rules when they see them applied inconsistently or unfairly by more senior colleagues. Are you familiar with that concept?

10 W Yes.

JS Would an example of inconsistent or unfair application of rules by more senior colleagues be excessive use of force?

W Yes.

JS Would another example of that be under-reporting?

W Yes.

20 JS Inaccurate reporting?

W Yes.

JS Are there any other examples that are contemplated in the GEO submission?

W I didn't write the submission.

30 JS Are you familiar, in your capacity as the manager, with the types of circumstances where senior and more experienced colleagues might not apply the rules and thereby influence younger officers to come to disrespect the rules?

W I think you have given a number of examples.

JS So there are no other examples. At page 11 of the submission, you have a dot point that deals with the incident review committee, the IRC. It talks about that the IRC meets-

40 W Where is that, sorry?

JS It is at the bottom of page 11.

W Yes, got it.

JS Mr RICE asked you a number of questions about how that committee operates, and you explained quite a bit as to how it operates. In the GEO submission, there is a statement that the IRC meets daily to review every use of force?

50 W Daily or as required.

JS It uses the word "every", every single one. It would be conceivable, though, wouldn't it, that there would be examples that are not reported or made known to the IRC?

W I don't understand the question.

JS The suggestion is that the IRC reviews every use of force. But it could only review those circumstances that are reported to it, couldn't it? It couldn't review an example of a use of force if it didn't know about it, could it?

W Correct.

10 JS So if it wasn't reported, then the IRC wouldn't see it or deal with it?

W Correct, that's right.

JS It is conceivable, isn't it, that there would be examples of uses of force that were not reported, not known?

W Not that I'm aware of.

20 JS You don't believe it's possible that that could occur?

W It is possible. It is possible. I think our mechanisms in place are quite robust and rigid, but anything is possible.

JS So a newer officer, such as referred to on page 9, that might come to disrespect the rules if they see them applied inconsistently or unfairly by more senior, experienced colleagues, would you accept that they might be more reluctant to report a senior officer that might engage in excessive use of force?

30 W No.

JS You indicated earlier to Mr RICE that there is a culture that encompasses a notion that some officers might not wish to dob in a mate.

W Yes.

JS Do you remember that?

40 W Yes.

JS So you don't accept that the notion of being reluctant to dob in another officer could be a higher degree of reluctance with a newer officer versus a senior officer?

W No.

JS I take it you have read the United Voice submission?

W I'm familiar with it.

50 JS I would just like to take to you that submission, which is Exhibit 36. On page 4 of the United Voice submission, the fourth paragraph down, there is a suggestion in the union submission that there is a cohort of senior prison staff that abuse this delegated power, including where staff might use excessive force. Are you familiar with that contention that has been made by United Voice?

W Yes.

JS On page 5, there is a series of dot points at the bottom of the United Voice submission. The fifth dot point suggests that there is a concentration of delegated power in the hands of a few senior prison staff, who act beyond any delegated authorities. Are you aware of those contentions that are made by United Voice?

10 W No.

JS You haven't heard of that proposition before?

W I've read it here.

JS Never heard of it before?

W Not in that context, no.

20 JS Have you heard of the suggestion that there is - the expression "the boys club"?

W Yes.

JS What is your understanding of what that refers to?

W The context of that, there are some staff that are favoured because they are in a boys club, and that could be for some senior staff, it could be - it's referred to with general run staff. It's a term used at the facility.

30 JS Do you accept that there is such a group in the facility?

W Sorry?

JS Do you accept that there is such a group in the facility?

W No.

40 JS Can you account for why there might be suggestions made of that nature?

AS I object to that. I'm not sure that Mr ITTENSOHN can give evidence about why United Voice is making suggestions in the submission.

PO I think that is right, Mr SPRECKLEY. I don't know that he can comment or that it would be useful, even if he tried to.

JS I will leave that one, then. Thank you.

50 JS Could I just take you, Mr ITTENSOHN, to example 5 of the United Voice submission, which is on page 8. Have you read that example in our submission before?

W At the time. I haven't refreshed myself on it.

JS You know that that example suggests that a senior prison officer kicked a prisoner in the back of the head?

W That's what it states, yes.

JS Are you familiar with any incident of that-

W No.

JS So that would be the type of incident that would ordinarily, if it was reported, make its way to the incident review committee?

10 W Correct.

JS I would just like to ask you about part of the GEO submissions which can be found on page 6. At page 6, the GEO submission suggests there are some factors which contribute to incidents that might result in the use of force, such as prison population or prison density, congested prison population.

W Yes.

20 JS Do you agree that those factors correlate with the increased use of force?

W Yes.

JS You also indicated earlier, with a question from Mr RICE, about overcrowding?

W Yes.

30 JS Is that also another factor that leads to the increased use of force or is correlated with the use of force?

W I think that's in point 1, prison population increase.

JS Population increase is another way of saying overcrowding; is that-

W Yes.

40 JS Do you agree that it would be necessary to maintain sufficient staffing levels to assist with that?

W Yes.

JS You indicated earlier to Mr RICE that you had had some discussions with United Voice about staffing levels?

W Yes.

JS And there was a conciliation with United Voice?

50 W Yes.

JS But you are not suggesting, are you, that United Voice has agreed or is comfortable with the current staffing arrangements, are you?

W Not since I'm aware in April last year that United Voice had issues with

the staffing, but we've had the same operation, or the same number of prisoners, since November 2015.

JS Are you aware of the issues that have been raised about the use of rovers?

W Yes.

10 JS You are familiar with the suggestion that United Voice makes that rovers are being used, taken away, diverted away from what you might call roving to perform other duties?

W Yes.

JS You also indicated or gave an example to Mr RICE about how they might be used to perform administration tasks?

W Yes.

20 JS Do you accept that there is a problem if rovers are deployed to try to assist with the overcrowding or congestion and they are taken away to perform other tasks?

W No.

JS Will you accept that that is an issue that the union has raised, problems with the rovers?

30 W The union's issues with the management at Arthur Gorrie, I think, are one dimensional in respect that, for obvious reasons, their major concern is staff within the facility. As the general manager of the facility, I have to be multi-dimensional in providing a safe environment within the facility.

The United Voice have asked me to do blanket punishment; that is, when an issue happens within a unit, they've requested me to maintain that unit locked down. They have also asked that unlawful actions happen to prisoners if they're involved in circumstances.

40 The issues that United Voice raise in the staffing are, as I said, one dimensional. In the conversations that I've had with the union, they have advised that if we don't agree to their staffing and their operational philosophy of the facility, they would do a social media campaign, a media campaign, they would make representation to the minister, to CCC, to the department.

50 So in managing the facility and talking about the staffing levels in isolation, as the general manager of the facility and the person that is responsible for the safety and care of all those in my facility, I have to ensure that I provide an environment that isn't one dimensional, that is multi-layered, in providing that environment within my facility.

JS I just want to direct your attention back to the issue of the rovers.

W Yes.

JS So you have congestion, staffing problems because of the prisoner density and the increased population?

W As I said earlier-

JS And you employ rovers to assist with that circumstance?

W No, the rovers are employed - as I said earlier in my evidence, the way we manage the prisoners was that those duties were conducted by the staff in the units, the two staff in the units, and over the period of time of increasing the prisoner population, we have introduced more rovers so that the staff maintain a presence in the units and that those duties do not take away the staff in those units and they can conduct a safe environment within the facility.

JS Other accountabilities that you have as a general manager - you gave some previously in response to my questions about the rovers, accountability to maintain a safe working environment. You have accountabilities to the Department of Correctional Services, that's true, and you have, in your role as the general manager, accountabilities to the shareholders of the company?

W My role, as the general manager in the facility, is to maintain the facility.

JS Do you have any responsibility or expectation to keep staffing numbers to a bare minimum to cut wages costs?

W No. I can actually say that the process we have in GEO is that we are required to maintain the facility at an appropriate level. There are cases where I have put business cases to my corporate office for more staff in areas. An example would be increasing the amount of supervisors that we have within the facility, program staff, increasing contract compliance, and all those business cases that I have put to the company have been approved and they have come at a cost to the company. So my interactions with my head office have been about maintaining the facility, not about profits. At no point have I ever been told to manage the facility to get higher profits.

JS In your business case, you don't deal with the costs at all? You do or you don't?

W I said yes.

JS You do deal with the costs-

W Yes.

JS -the costs of the staff?

W For the corporate office to approve, they have to know what the costs are. It would be unacceptable in any environment to not provide a cost.

JS The cost of the additional wages for the staff?

W Any of the related costs.

JS Including the cost of the wages?

W Yes, that's part of it.

JS I just want to take you to Exhibit 29 just briefly, as you answered a significant number of questions and provided a lot of information when you were questioned by Mr RICE. I want to ask you about the tables that are set out on page 45 of that report, which you were taken to before. Do you have those tables now - page 45?

10 W Yes.

JS Do you see the column that records the number of assaults of prisoners on staff?

W Yes.

JS For instance, the first table, which is 2016, indicates for AGCC, at the top, that there were two recorded assaults of prisoners on staff?

20 W Yes.

JS Are you confident that that is an accurate figure?

W Yes.

JS Can you just explain how that figure makes its way into this table, again?

W I didn't-

30 AS I object to that as well. This is the Chief Inspector's report. I am not sure how this witness is supposed to explain how the figure got in there.

PO Yes, that is probably right.

It is not your report?

W No, it's not my report.

JS I might just rephrase the question. That number of reports - that's the number that is provided by you, by Arthur Gorrie, to the inspector?

40 W No.

JS It's not?

W No.

JS Does Arthur Gorrie keep a record of the number of assaults by prisoners on staff?

50 W That would be on the IOMS system, which is part of the department's system.

JS Have you checked to see whether these figures are right at all?

W I would have at the time, but I haven't checked recently.

- JS Finally, I just want to ask you a few questions, if I can, again, about the United Voice submission, Exhibit 36. It is in relation to the recommendations that the union have made in our submission. It is page 10 onwards.
- W Yes.
- JS Are you familiar with or have looked at those recommendations?
- 10 W I have looked at them. I'm not familiar, but I have looked at them.
- JS Do you have a view about the recommendation that the union makes, recommendation 1, that there should be public reporting and public disclosure of the matters that are set out in recommendation 1?
- W I don't have a view.
- JS You wouldn't object to that type of process?
- 20 W I don't have a view.
- JS Don't have a view at all? In recommendation 2, United Voice recommends that there be mandatory prison staffing ratios. Do you agree that that would be a good practice?
- W No, I don't have an opinion on that.
- 30 JS You have no opinion on staffing ratios at all. And recommendation 3: you did answer a number of questions from Mr RICE about the accountability mechanisms, but do you have a view about the recommendation that United Voice makes that QCS should adopt more stringent independent accountability?
- W I don't know what you are talking about in "stringent accountability", but as a private provider, I welcome any form of scrutiny that the department deems appropriate for our facility. I welcome it.
- JS Whether it be more stringent than currently?
- 40 W Yes, I don't know what definition is "more stringent", but more accountability is something that I would encourage.
- JS Thank you. I don't have anything further.
- PO Thank you very much.
- Mr RICE, anything arising?
- CA No, thank you, Commissioner.
- 50 PO Thank you, Mr ITTENSOHN. You are excused.

END OF SESSION

LUNCHEON ADJOURNMENT