

Our reference: [REDACTED]



Queensland
Government

Office of the
Deputy Commissioner
Organisational Capability

Queensland
Corrective Services

24 APR 2019

**PRIVATE AND CONFIDENTIAL
DECISION ON DISCIPLINARY FINDINGS AND DISCIPLINARY ACTION**

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

By email to [REDACTED]

Dear [REDACTED]

I refer to my letter dated [REDACTED] in which I asked you to show cause as to why a disciplinary finding should not be made against you under the *Public Service Act 2008* (the Act) in relation to the following allegations:

1. That between 20 June 2017 and 5 October 2017 you, without authority, accessed information from the Integrated Offender Management System regarding Prisoners [REDACTED]
2. That you, without authority, having accessed information from the Integrated Offender Management System, released that information to [REDACTED] prisoners.

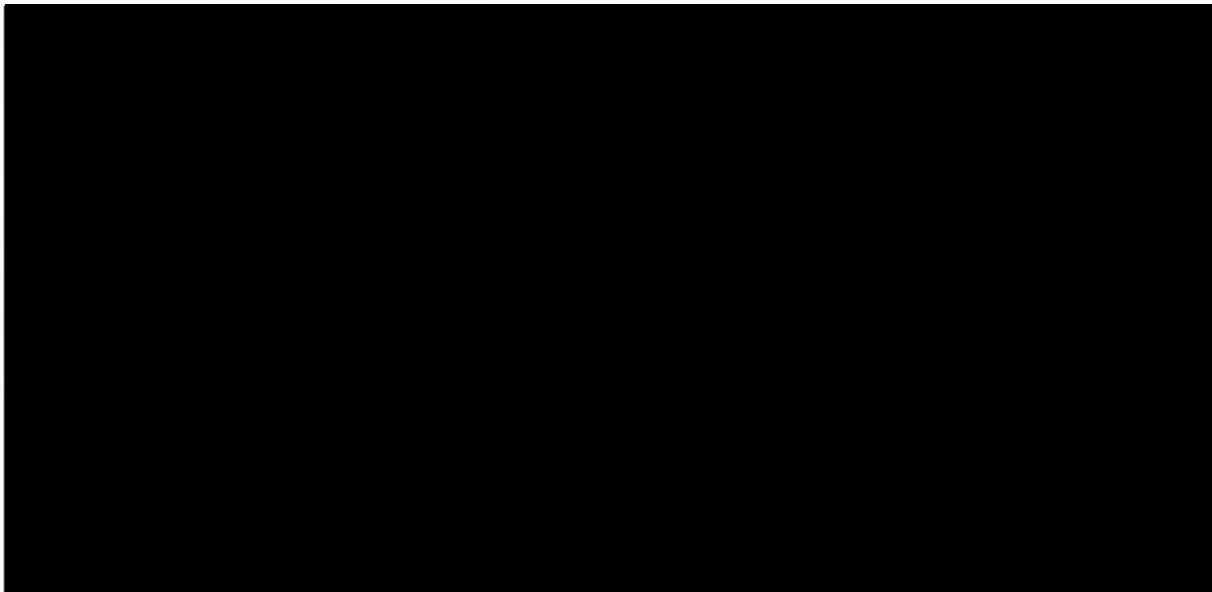
[REDACTED]

As you are aware, on [REDACTED] you entered a plea of guilty to a criminal charge under s 408E of the *Criminal Code Act 1899* (Qld) and were fined \$1200.00. [REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]



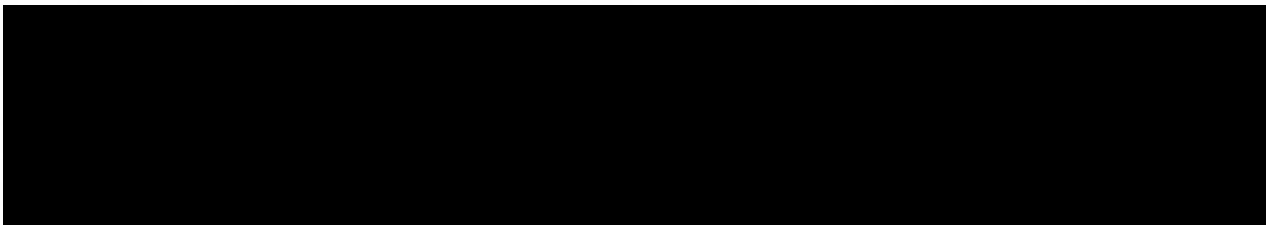
3. That between 20 June 2017 and 5 October 2017 you, without authority, accessed information from the Integrated Offender Management System regarding various prisoners

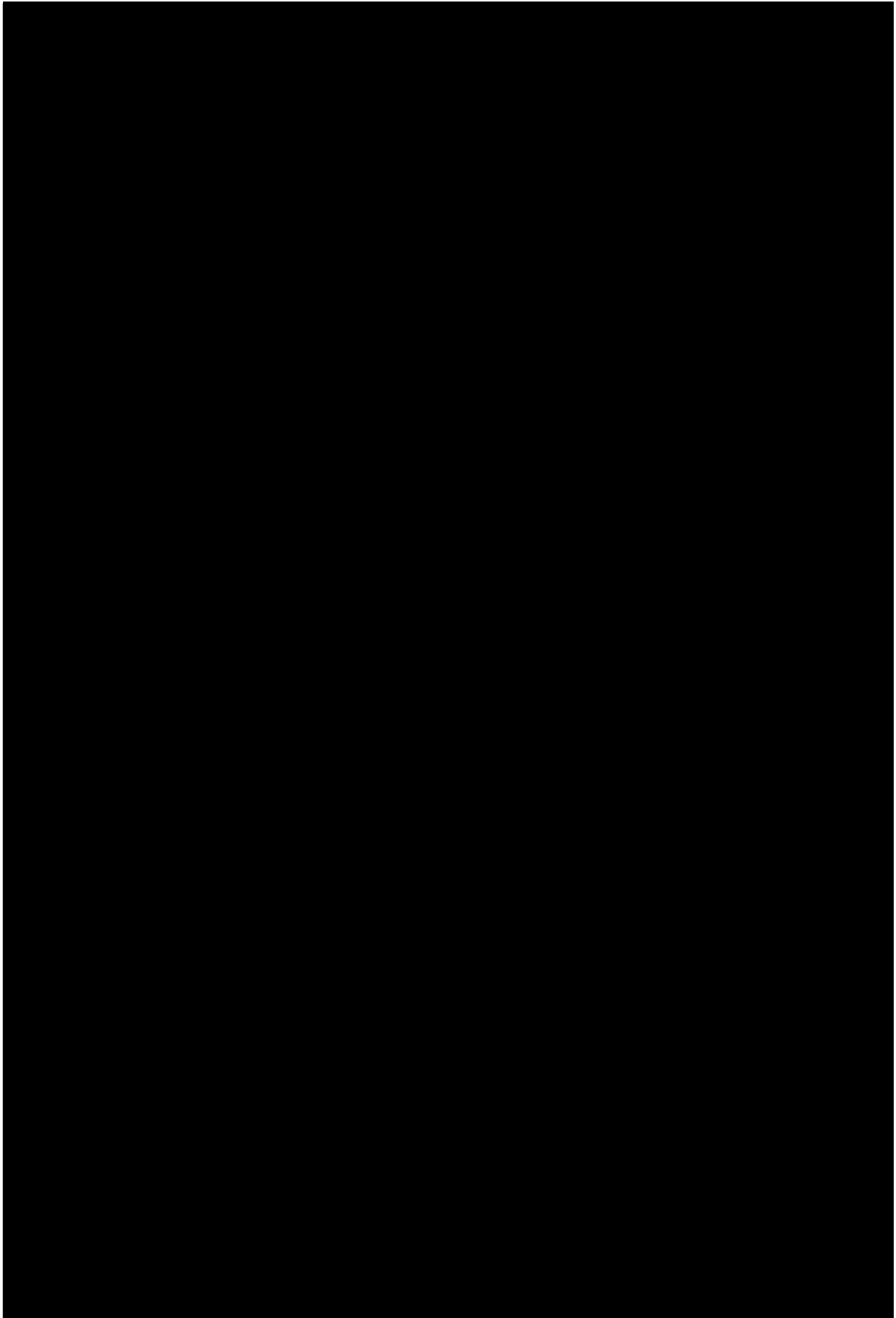


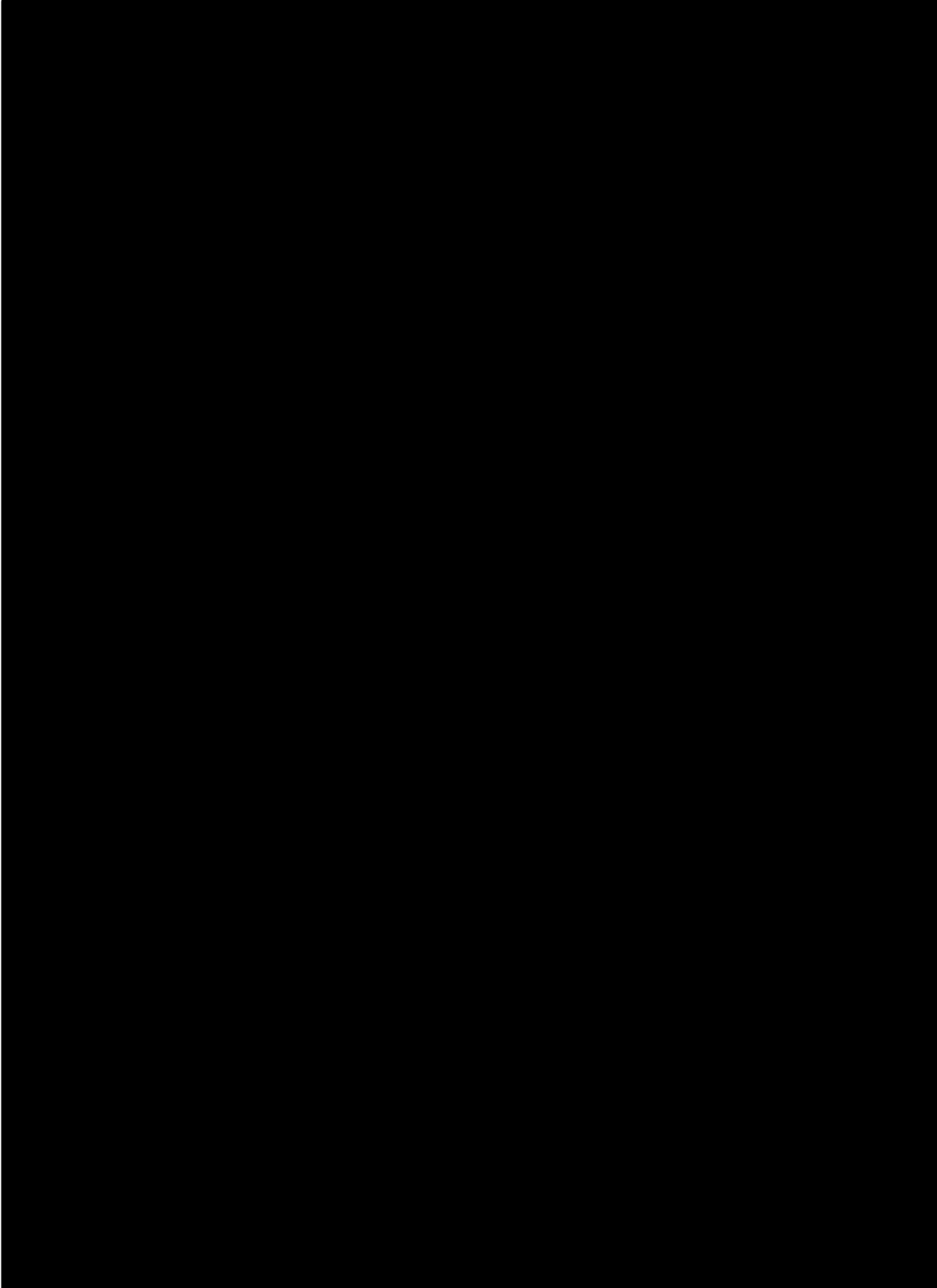
Your response

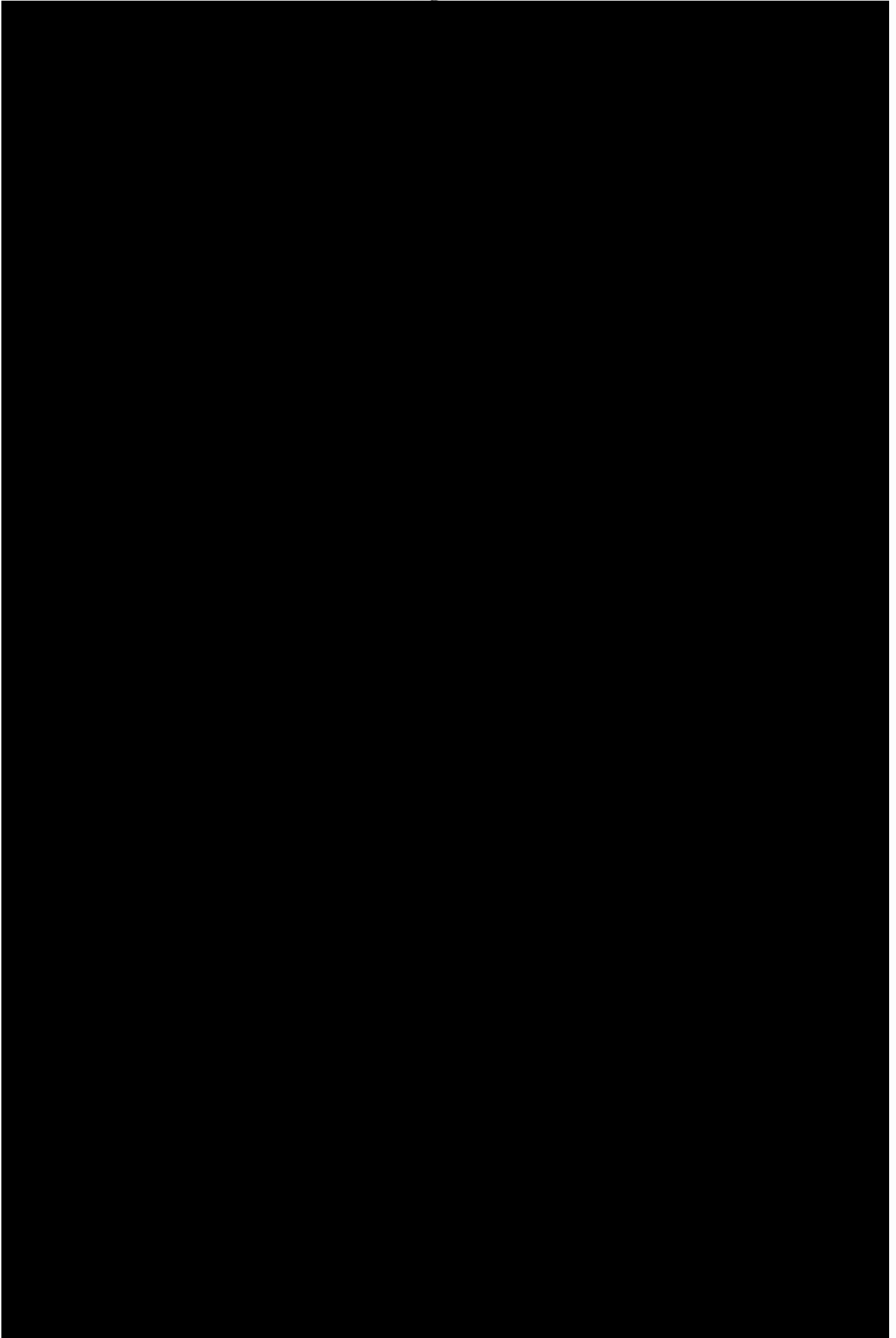
In your response dated [REDACTED] your solicitors, [REDACTED] make the following submissions on your behalf:

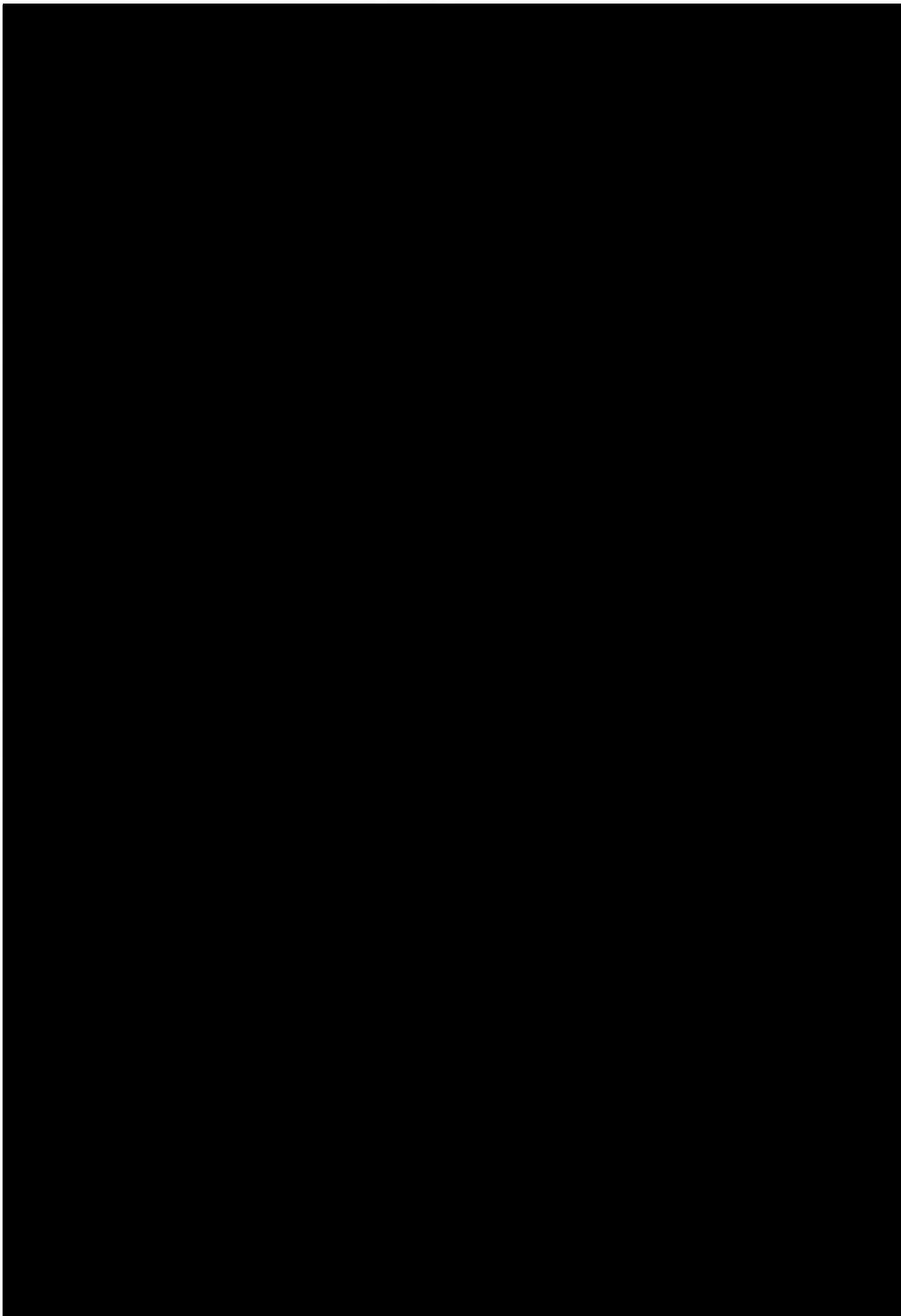
- You have been employed by Queensland Corrective Services (QCS) as a Custodial Correctional Officer (CCO) since early 2001. You perform work as a [REDACTED].
- On or about [REDACTED], you were charged with an offence in accordance with s 408E of the *Criminal Code Act 1899* (Qld) and were issued a notice to appear before the [REDACTED] Magistrates Court of [REDACTED].
- On [REDACTED] [REDACTED] you entered a plea of guilty to the criminal charge at the [REDACTED] Magistrates Court. You were fined \$1200.00 and a conviction was not recorded. You paid the amount of the fine in full. You have provided a copy of the QP9.
- You admit to accessing the Integrated Offender Management System (IOMS) between 20 June 2017 and 5 October 2017.

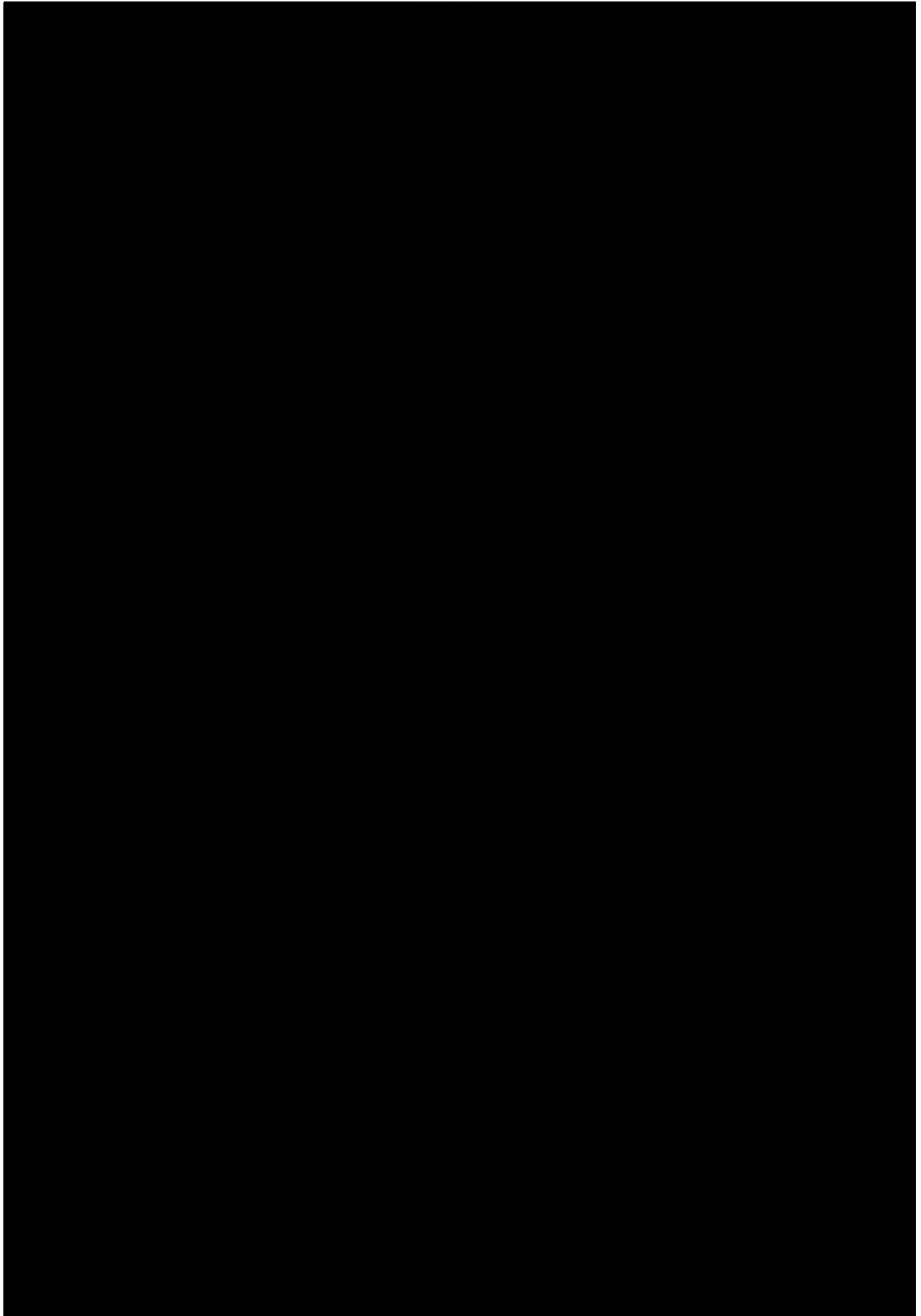


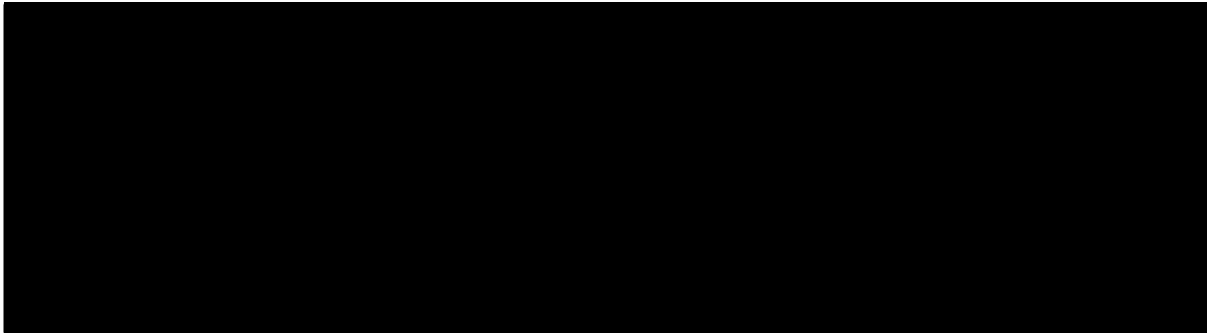










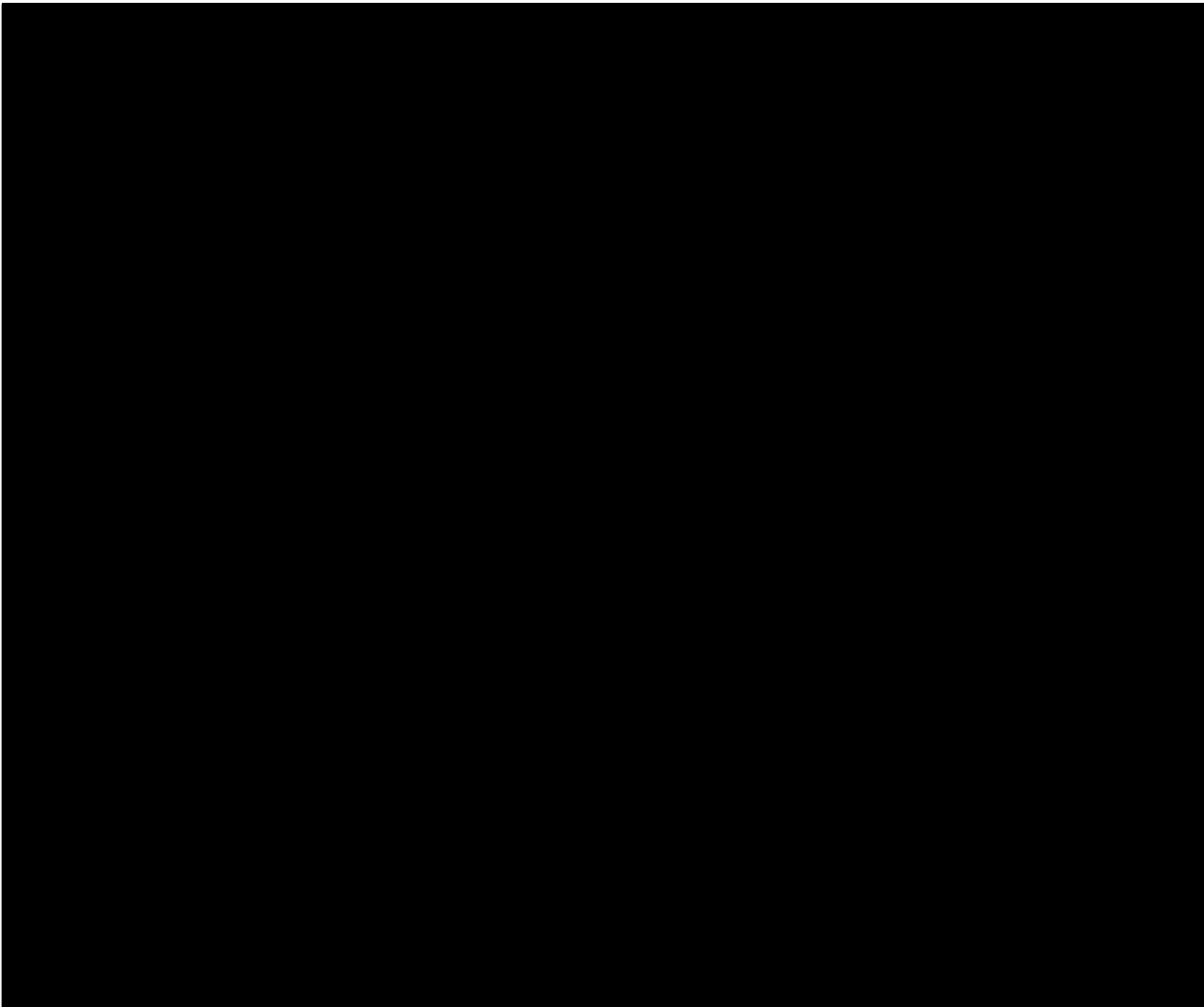


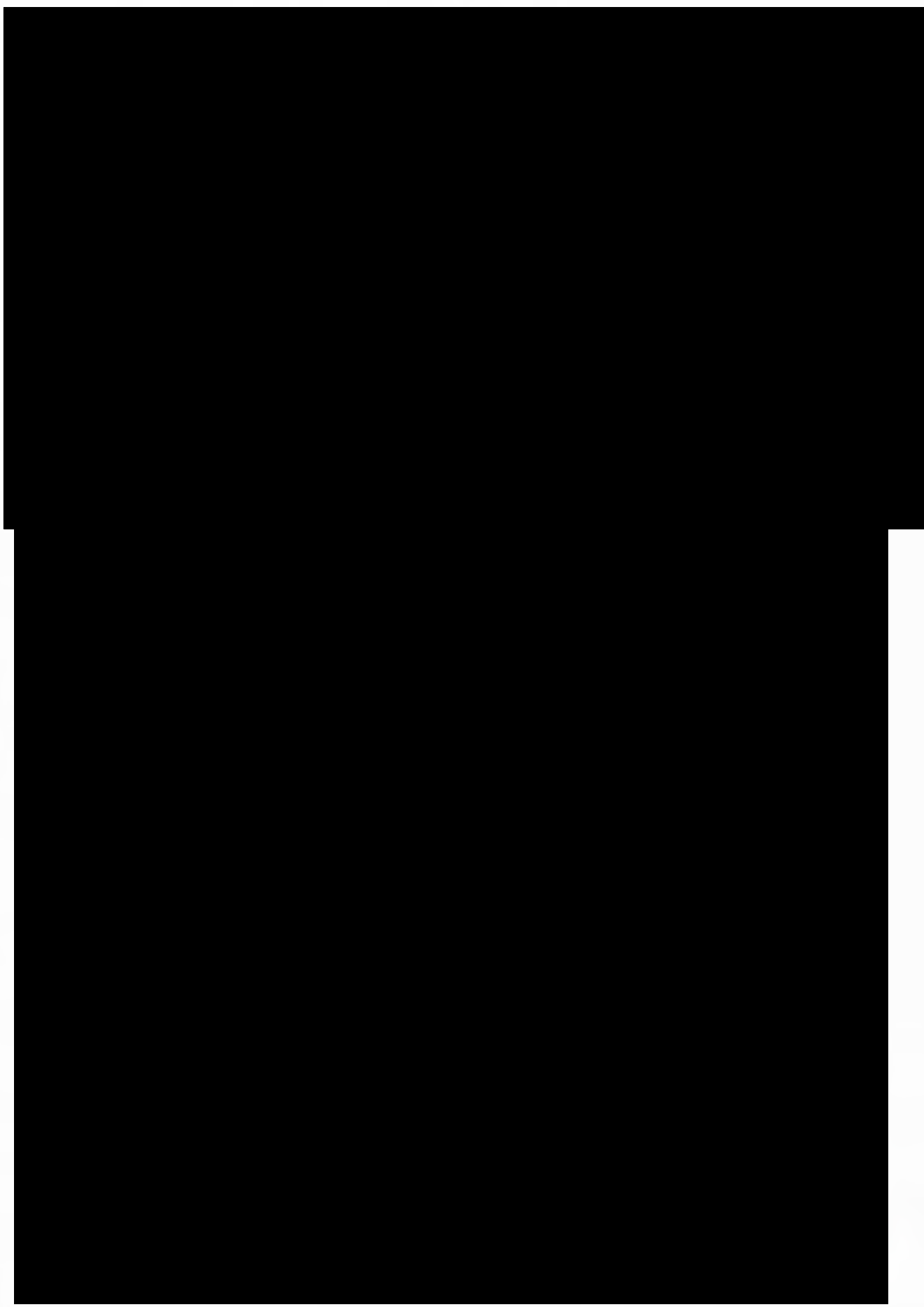
My findings

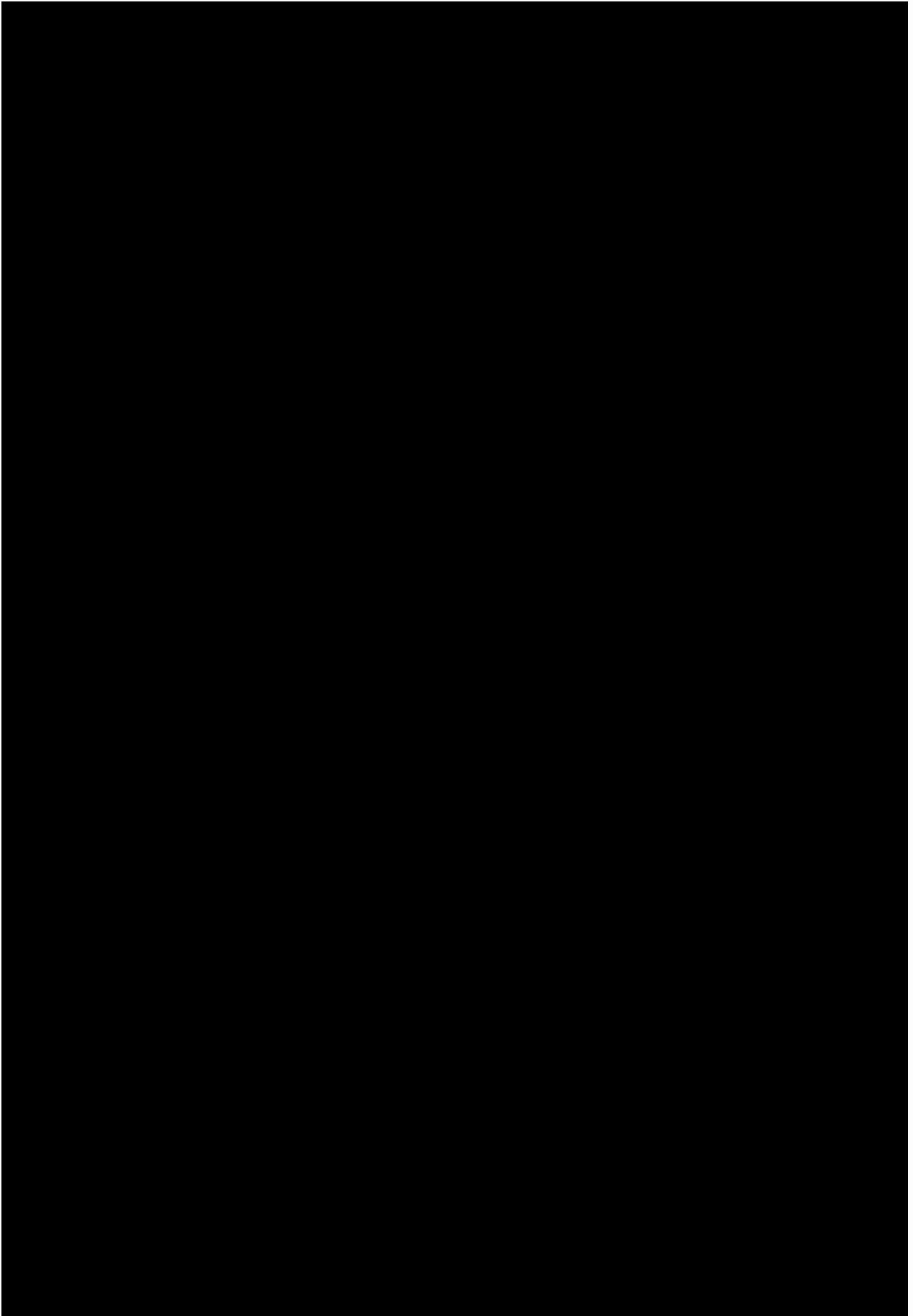
Allegation 1

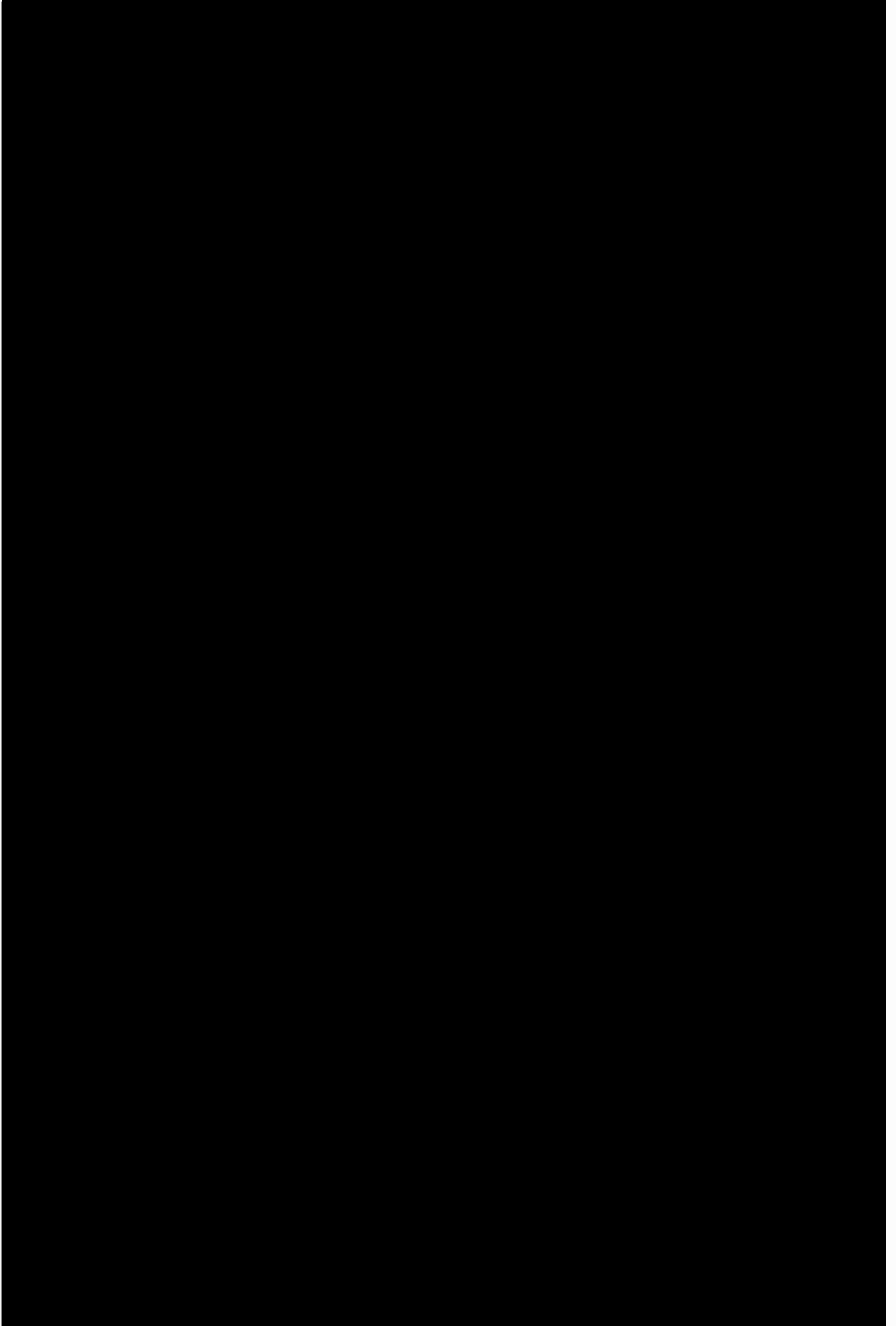
That between 20 June 2017 and 5 October 2017 you, without authority, accessed information from the Integrated Offender Management System regarding Prisoners [REDACTED] [REDACTED] [REDACTED] [REDACTED] and [REDACTED] [REDACTED]

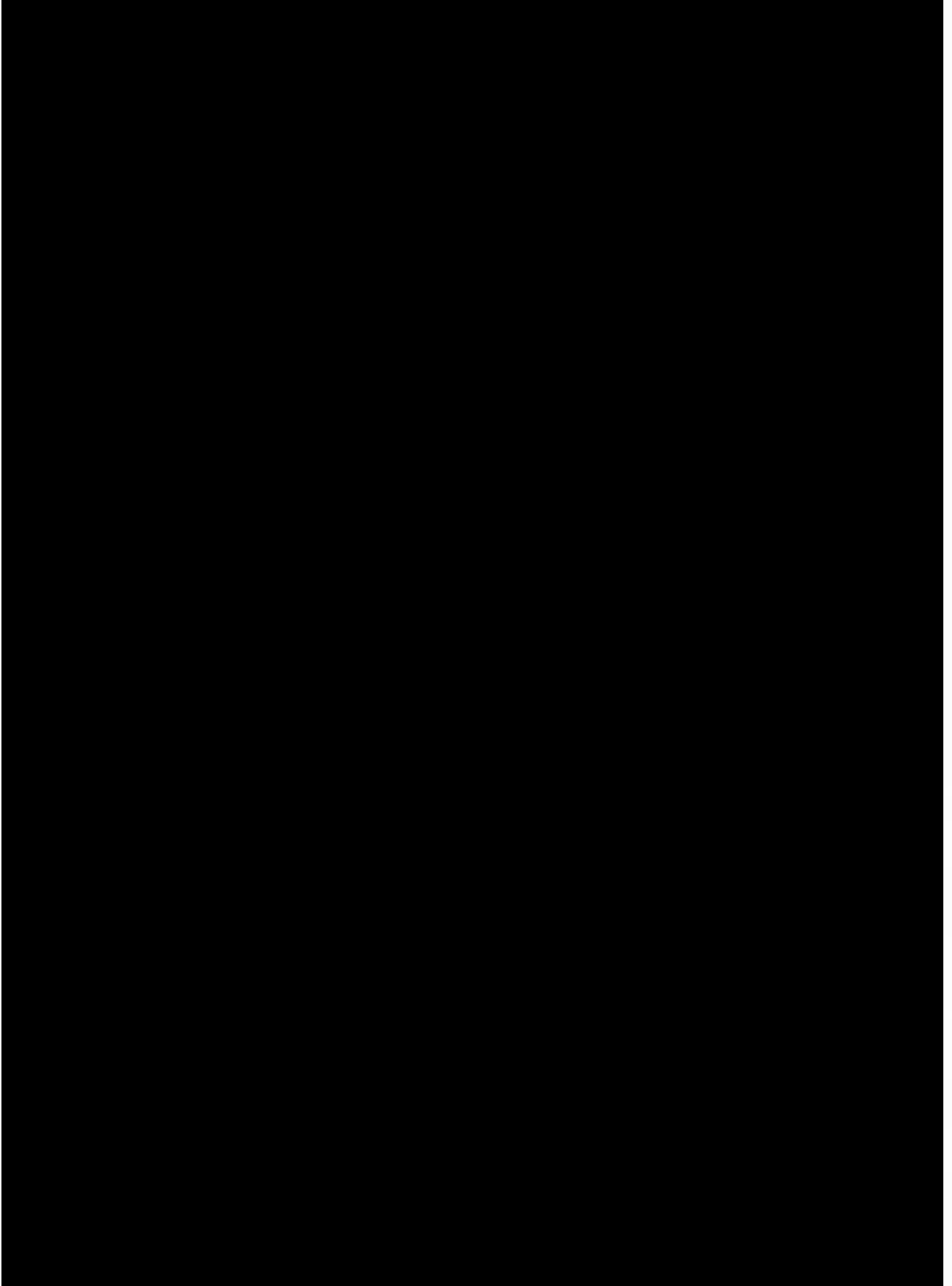
I have carefully considered all the material before me including your submissions and I have determined that Allegation 1 is substantiated on the balance of probabilities on the following basis:

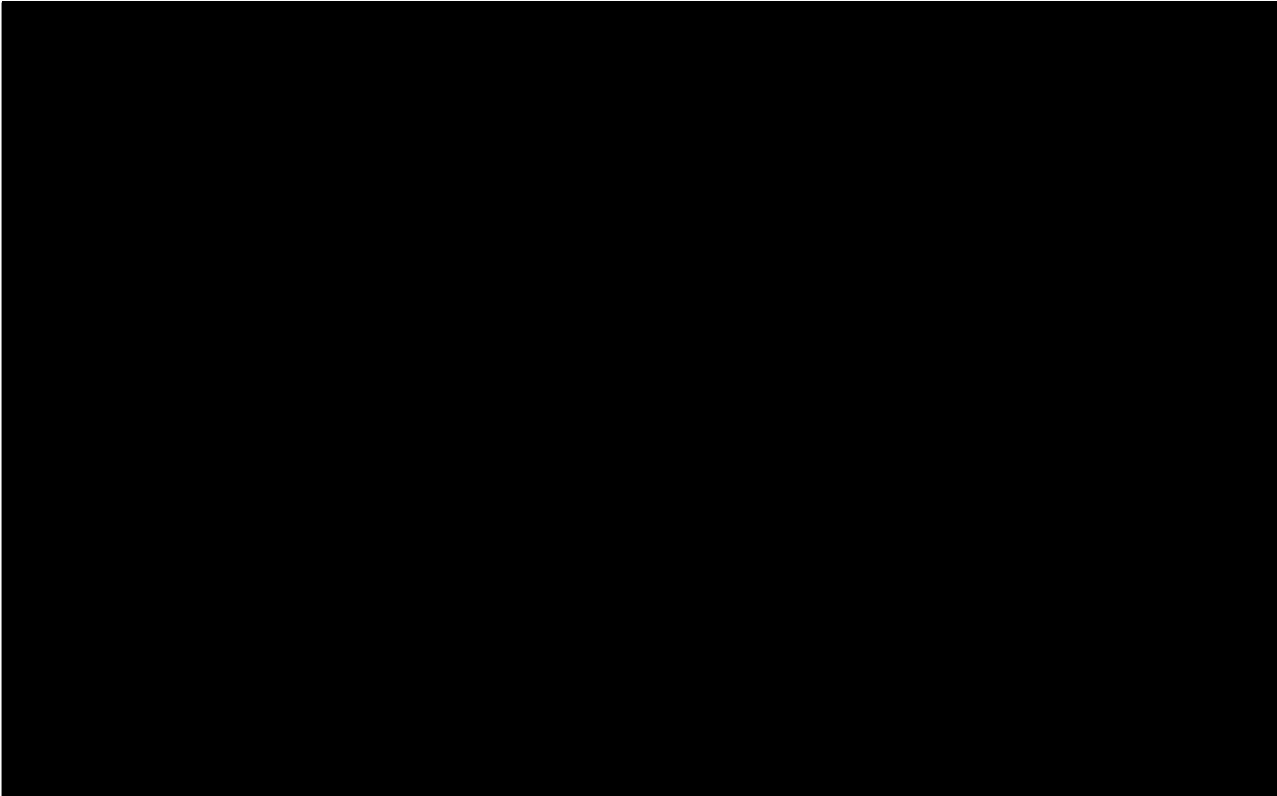










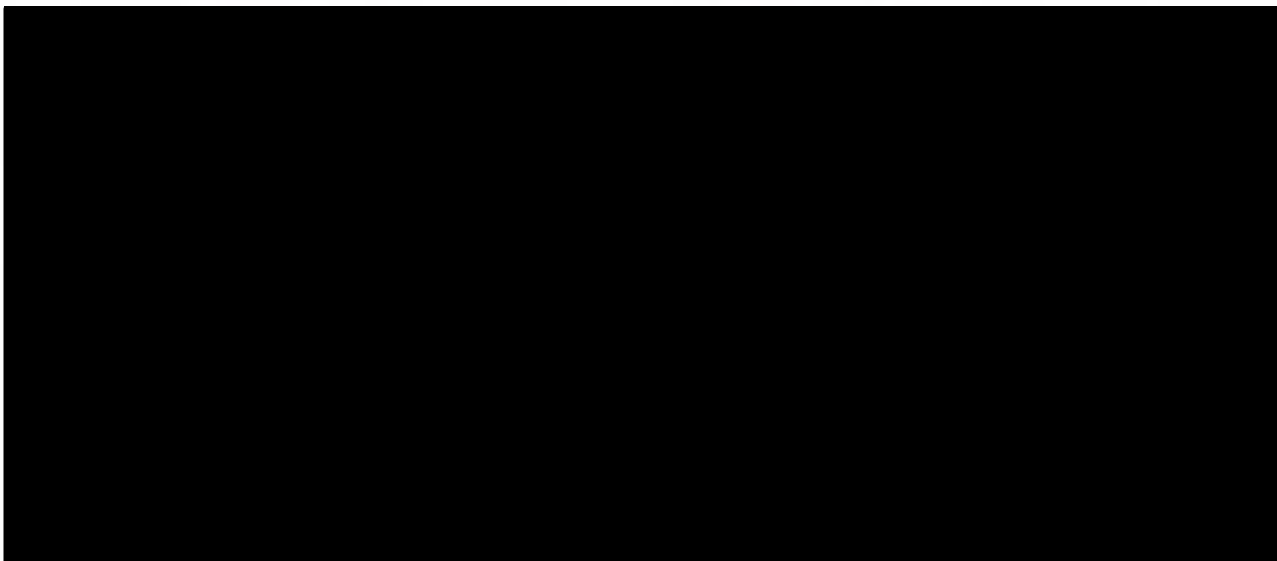


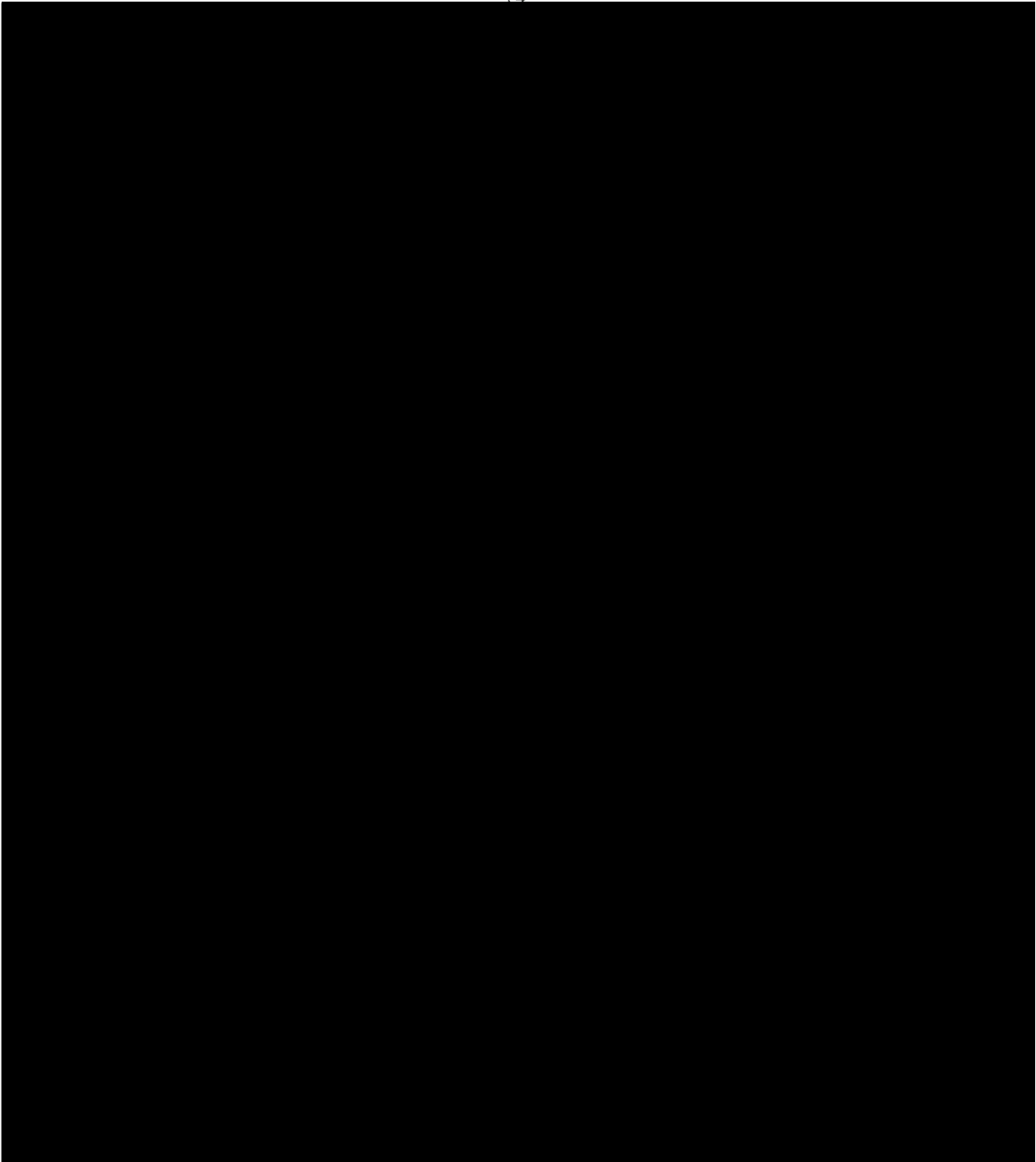
On the basis of my findings in relation to Allegation 1, I have determined that pursuant to section 187(1)(b) of the Act, you are guilty of misconduct, that is inappropriate or improper conduct in an official capacity within the meaning of section 187(4)(a) of the Act.

Allegation 2

That you, without authority, having accessed information from the Integrated Offender Management System, released that information to [REDACTED] prisoners.

I have carefully considered all the material before me including your submissions and I have determined that Allegation 2 is substantiated on the balance of probabilities on the following basis:





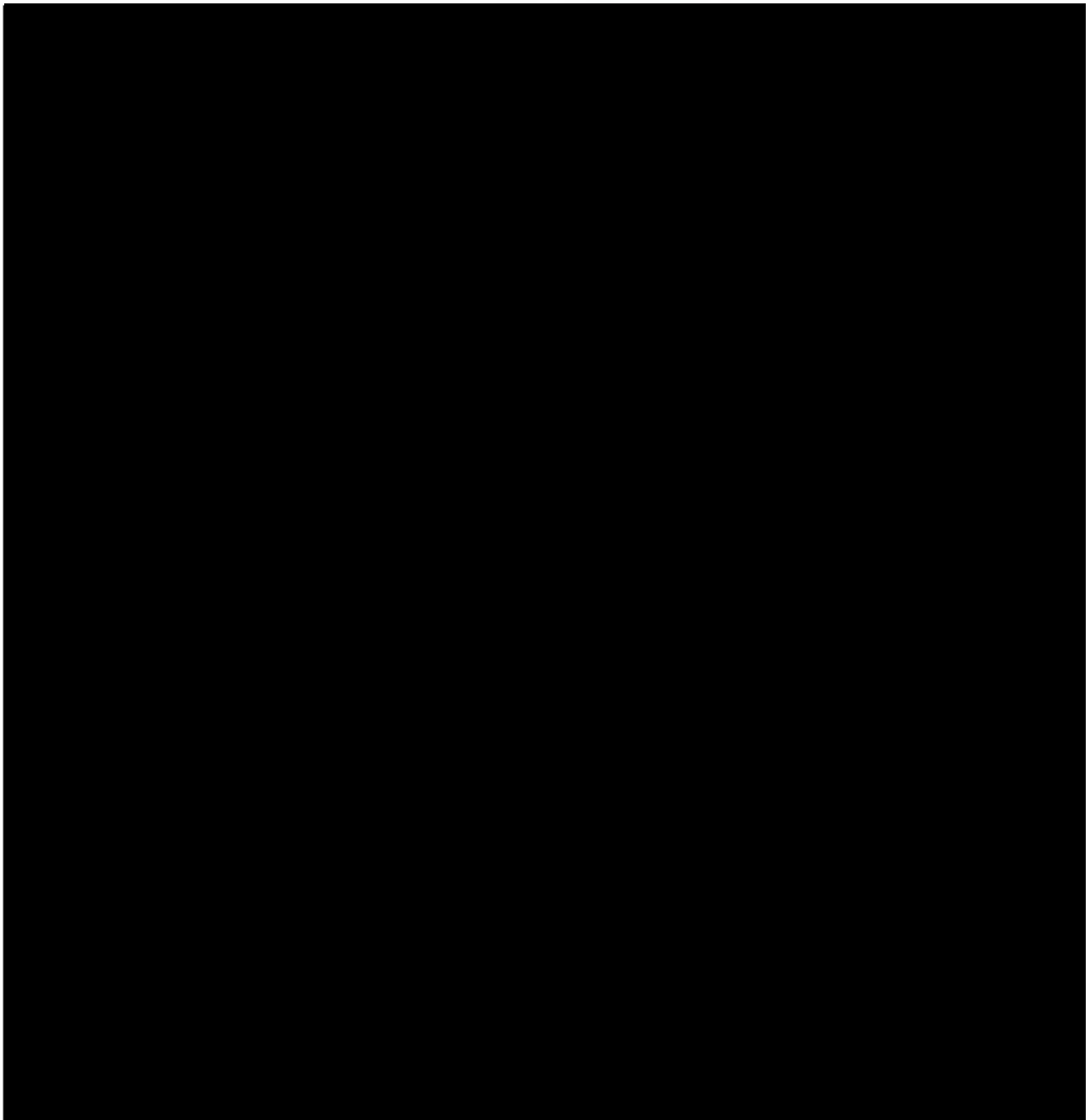
On the basis of my findings in relation to Allegation 2, I have determined that pursuant to section 187(1)(b) of the Act you are guilty of misconduct, that is inappropriate or improper conduct in an official capacity within the meaning of section 187(4)(a) of the Act.

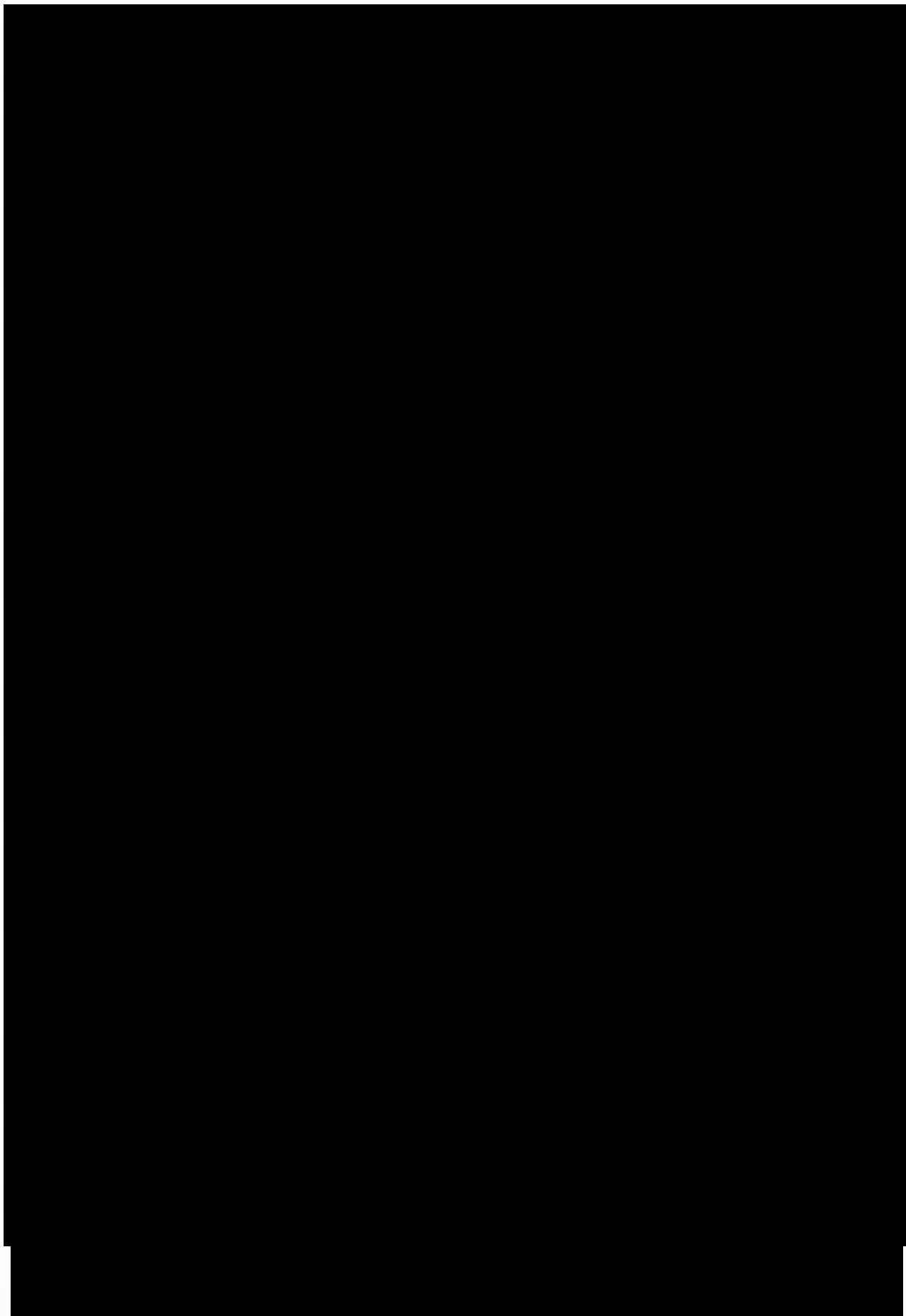
Allegation 3

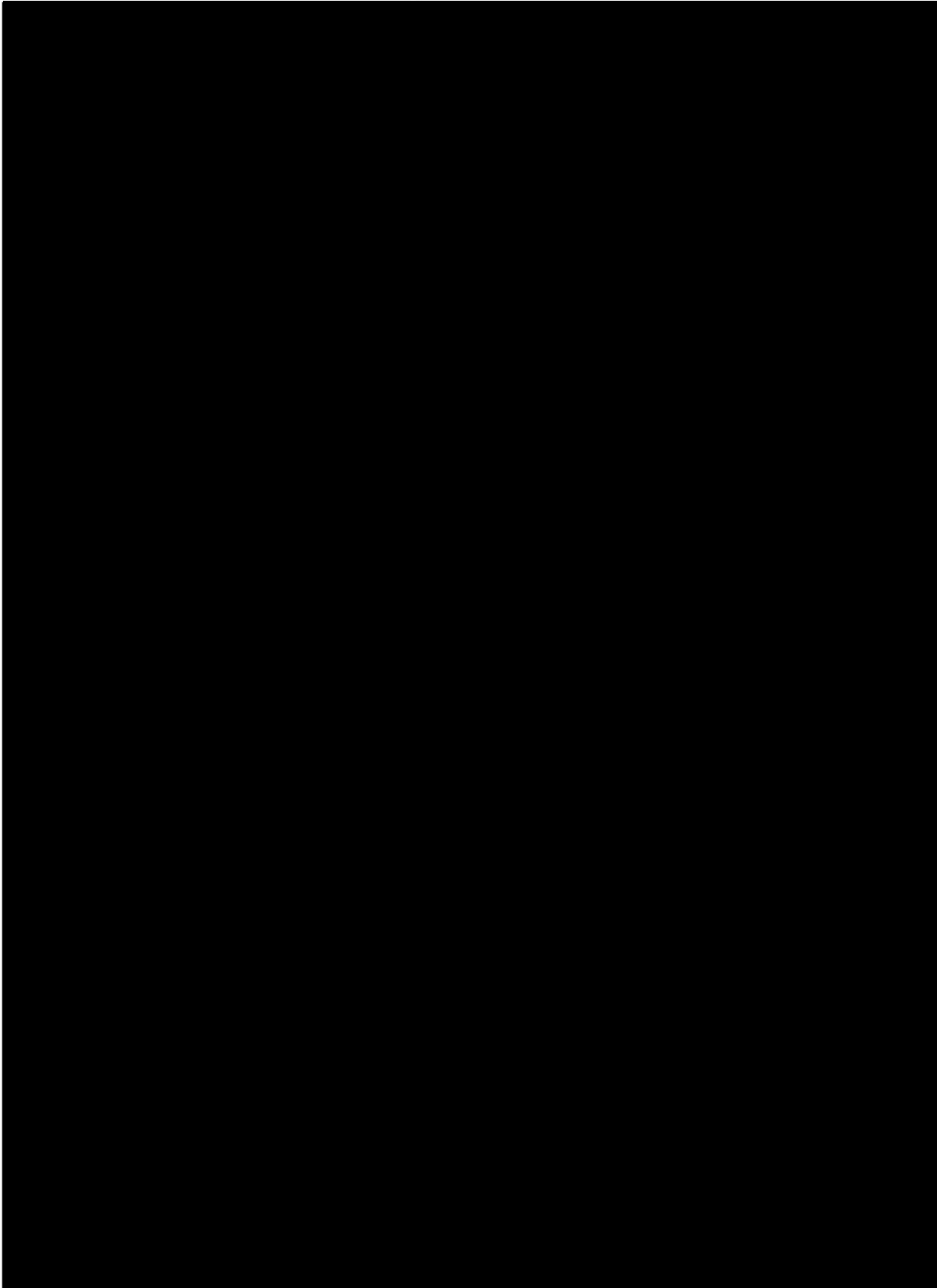
That between 20 June 2017 and 5 October 2017 you, without authority, accessed information from the Integrated Offender Management System regarding various prisoners

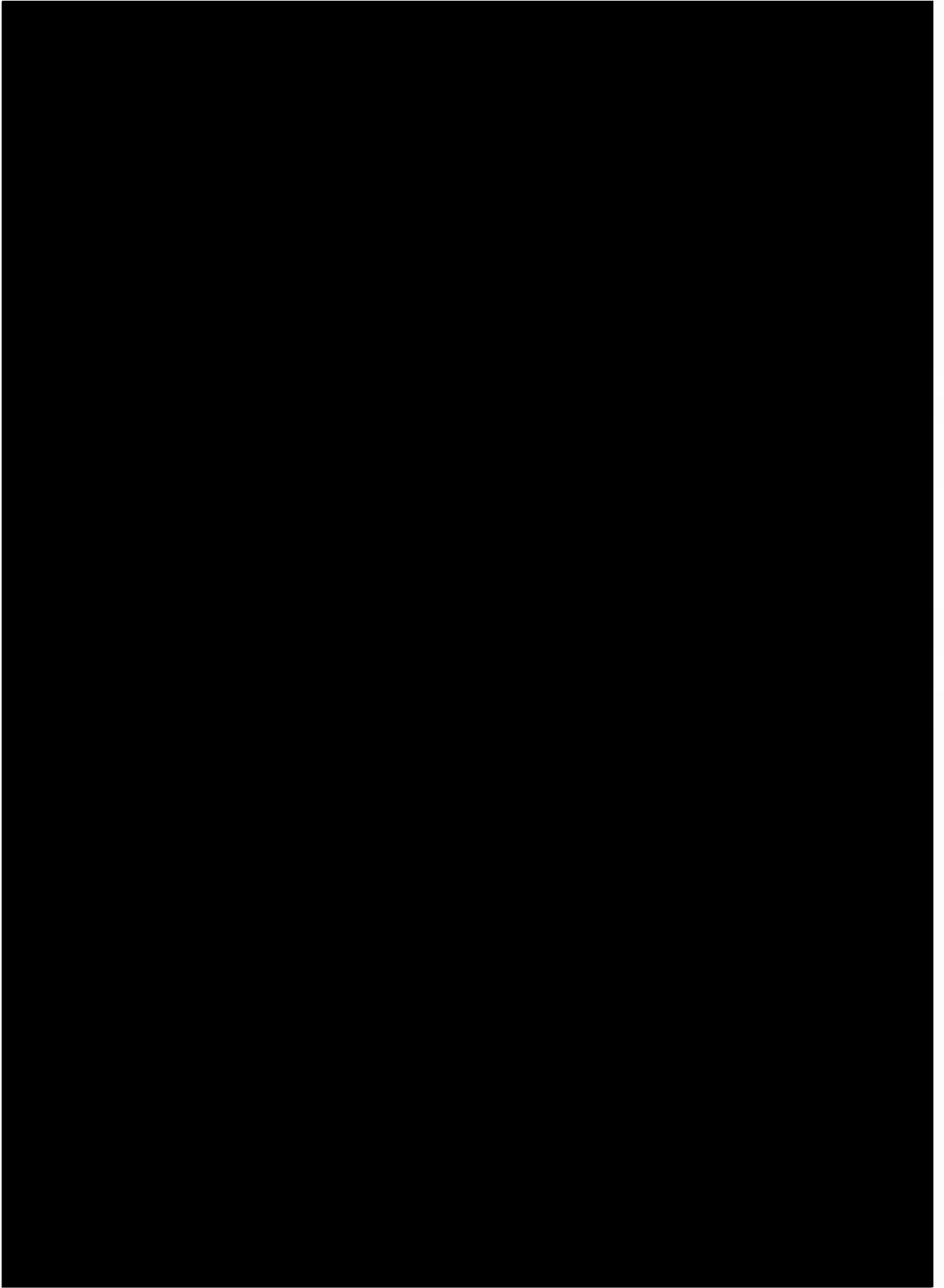


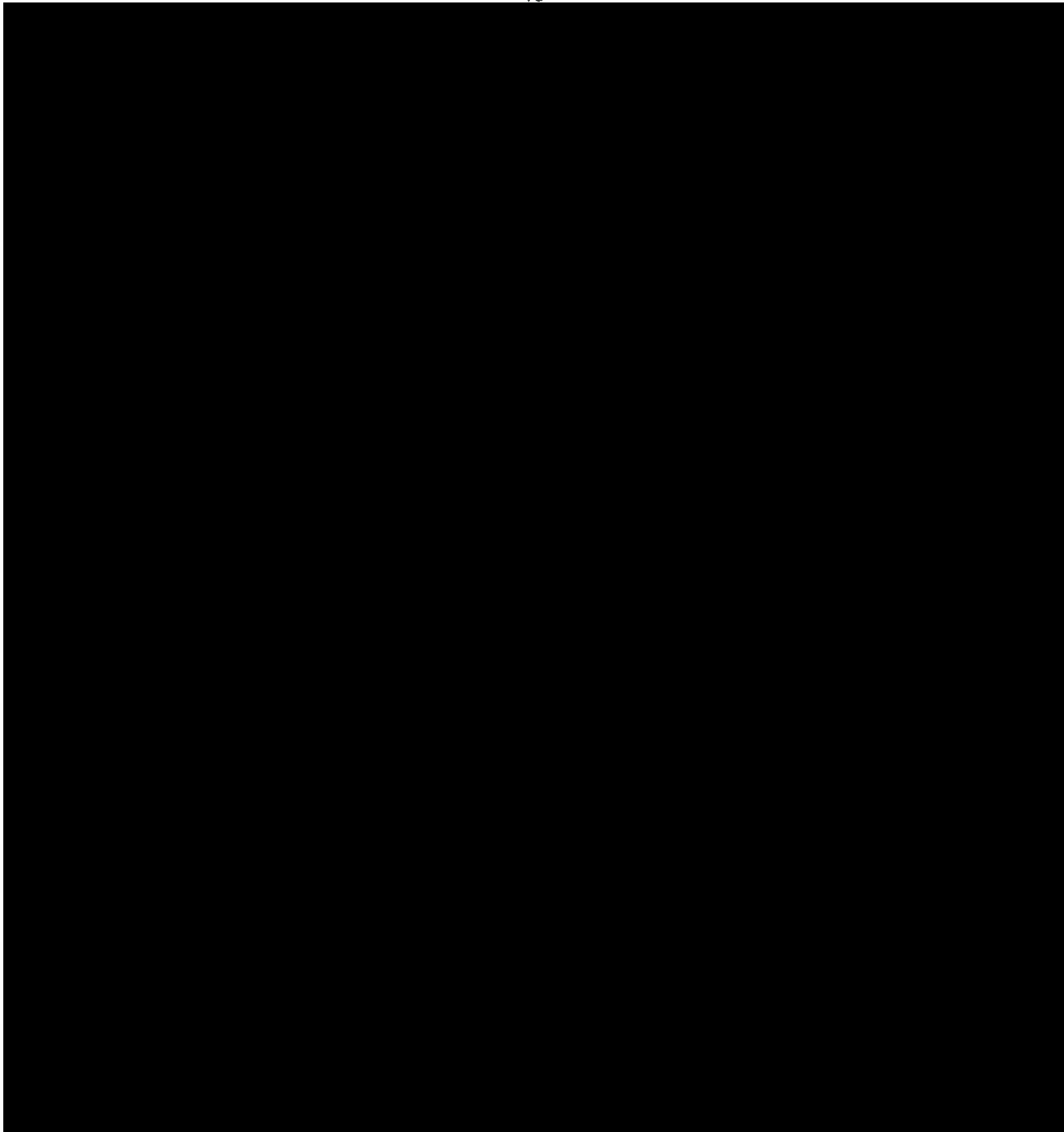
I have carefully considered all the material before me including your submissions and I have determined that Allegation 3 is substantiated on the balance of probabilities on the following basis:







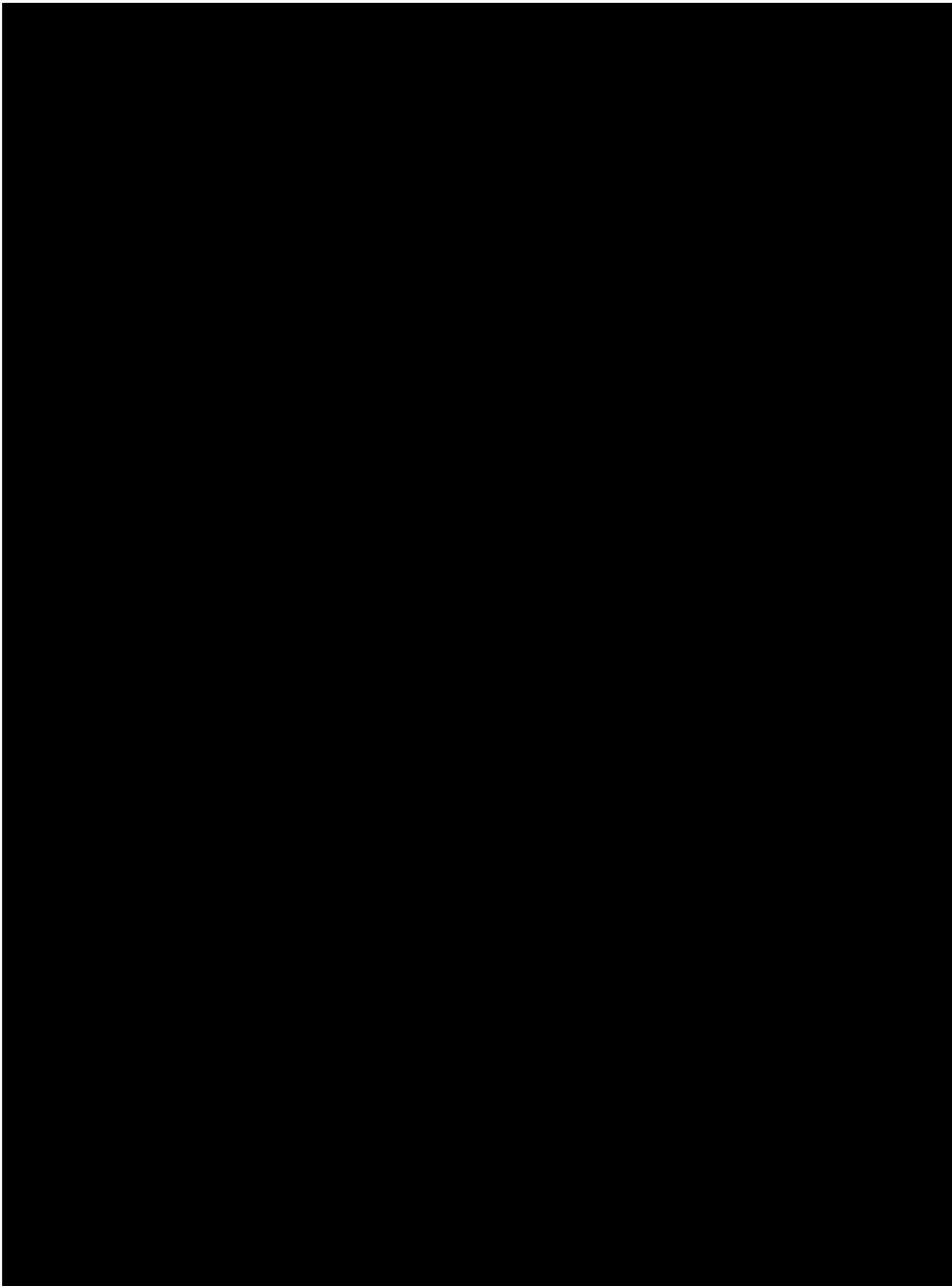


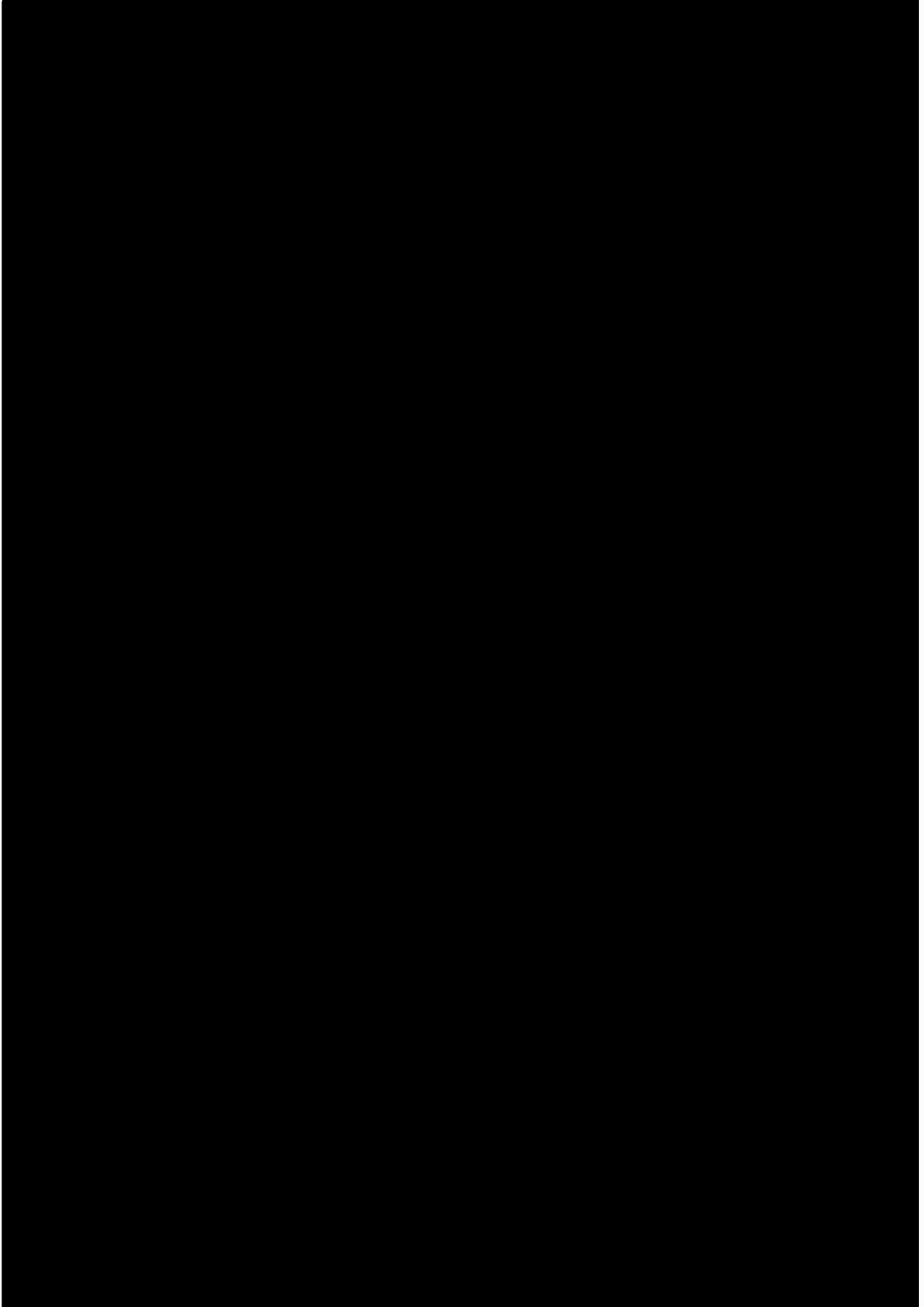


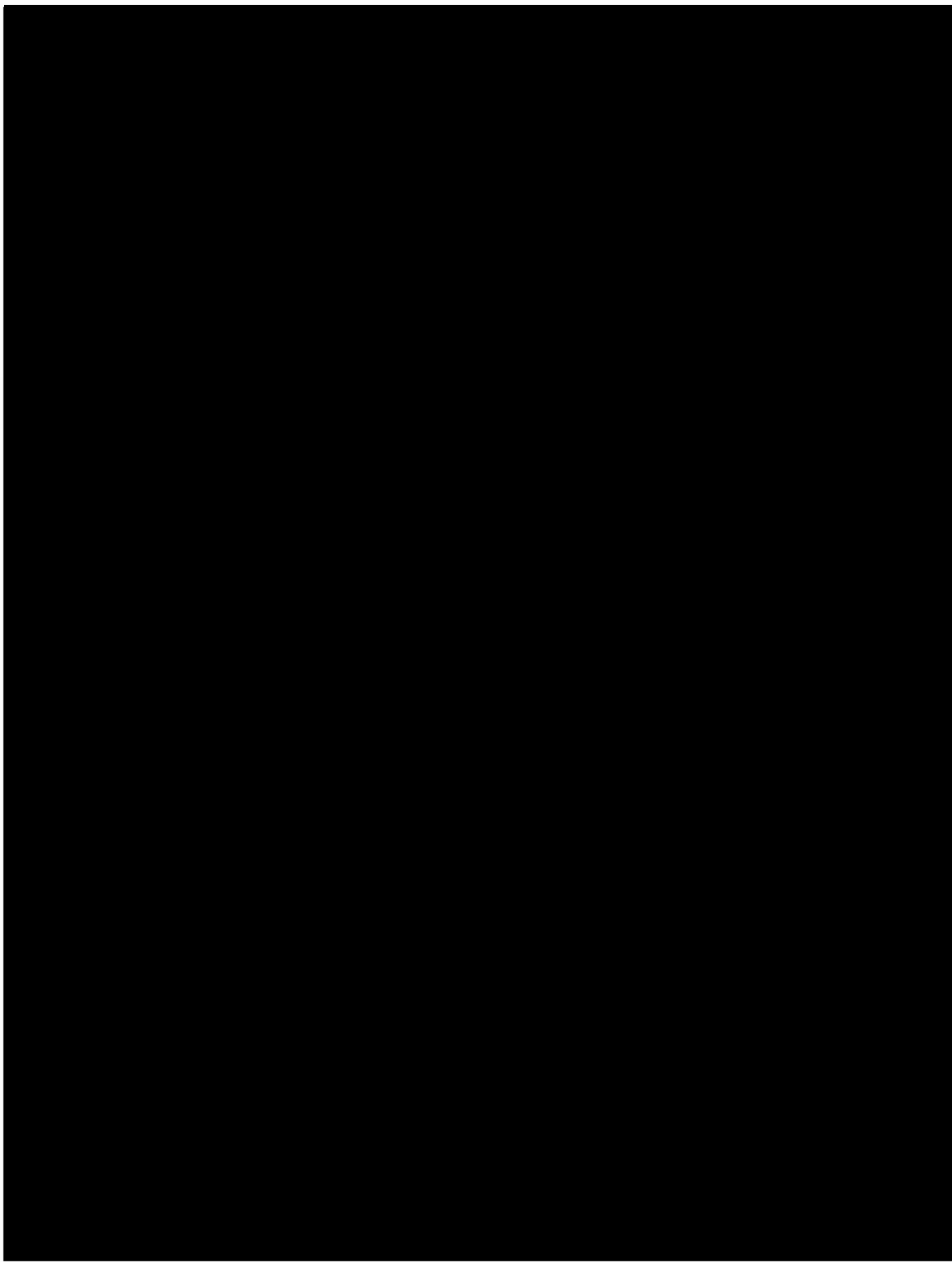
Findings on disciplinary action

As outlined above, I have determined that:

- In respect to Allegation 1, pursuant to s 187(1)(b) of the Act, you are guilty of misconduct, that is inappropriate or improper conduct in an official capacity within the meaning of s 187(4)(a);
- In respect of Allegation 2, pursuant to s 187(1)(b) of the Act, you are guilty of misconduct, that is inappropriate or improper conduct in an official capacity within the meaning of s 187(4)(a); and





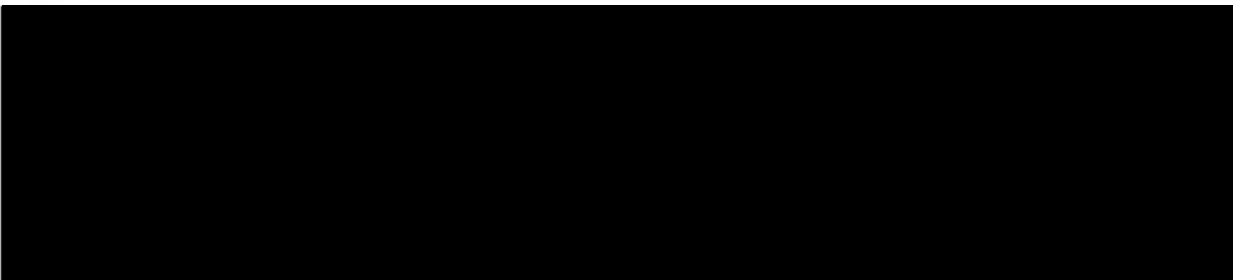


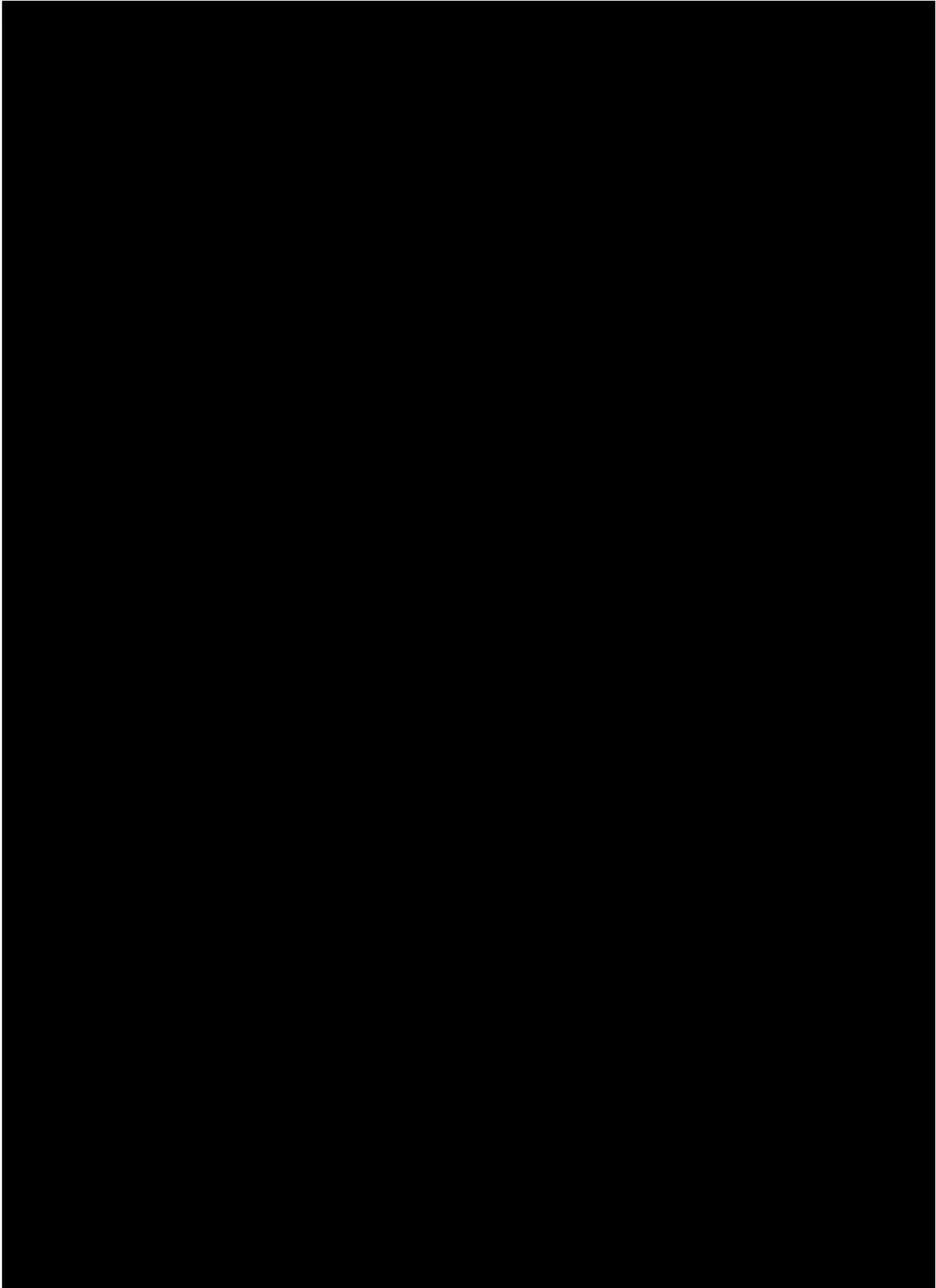


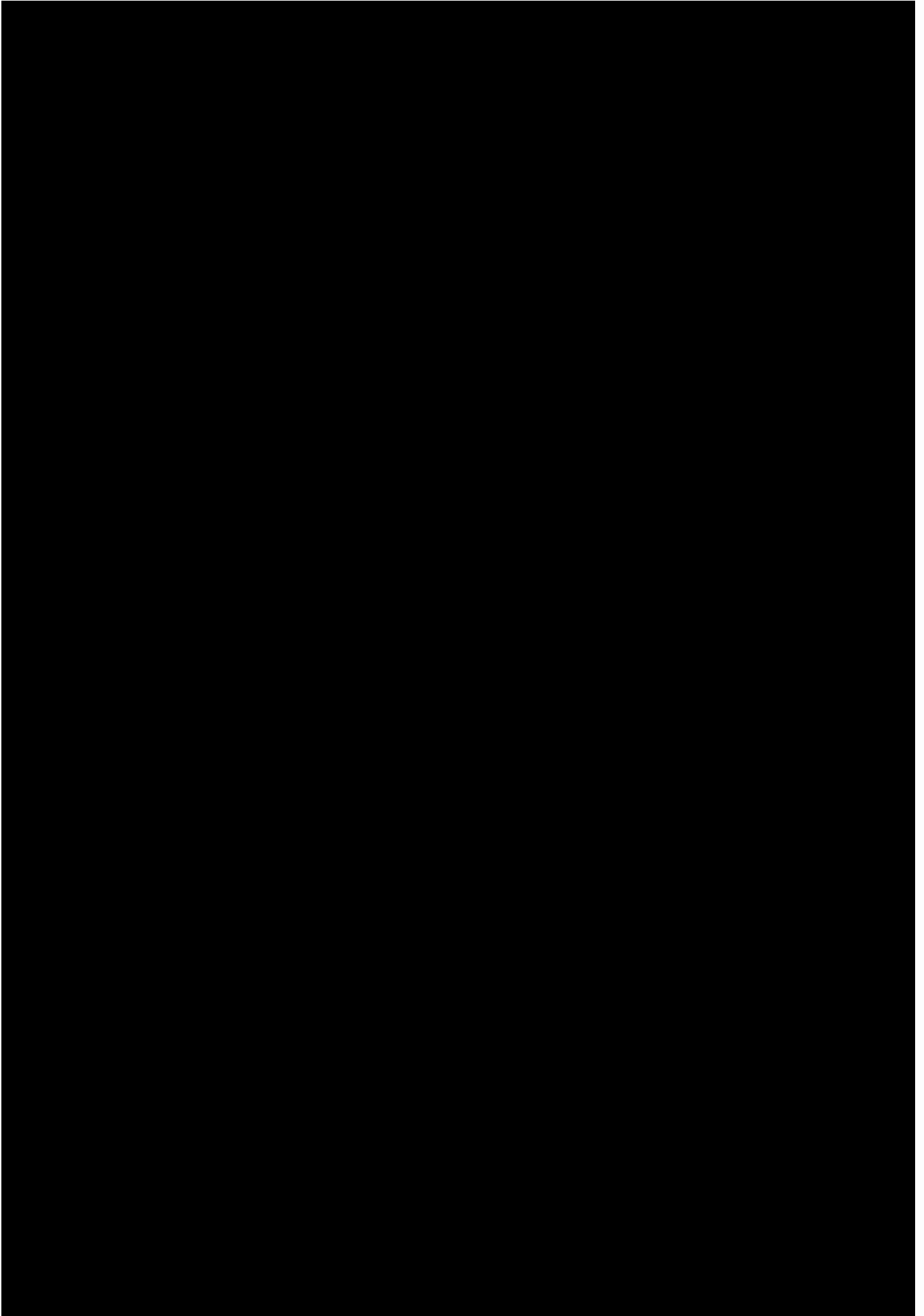
Decision on disciplinary action

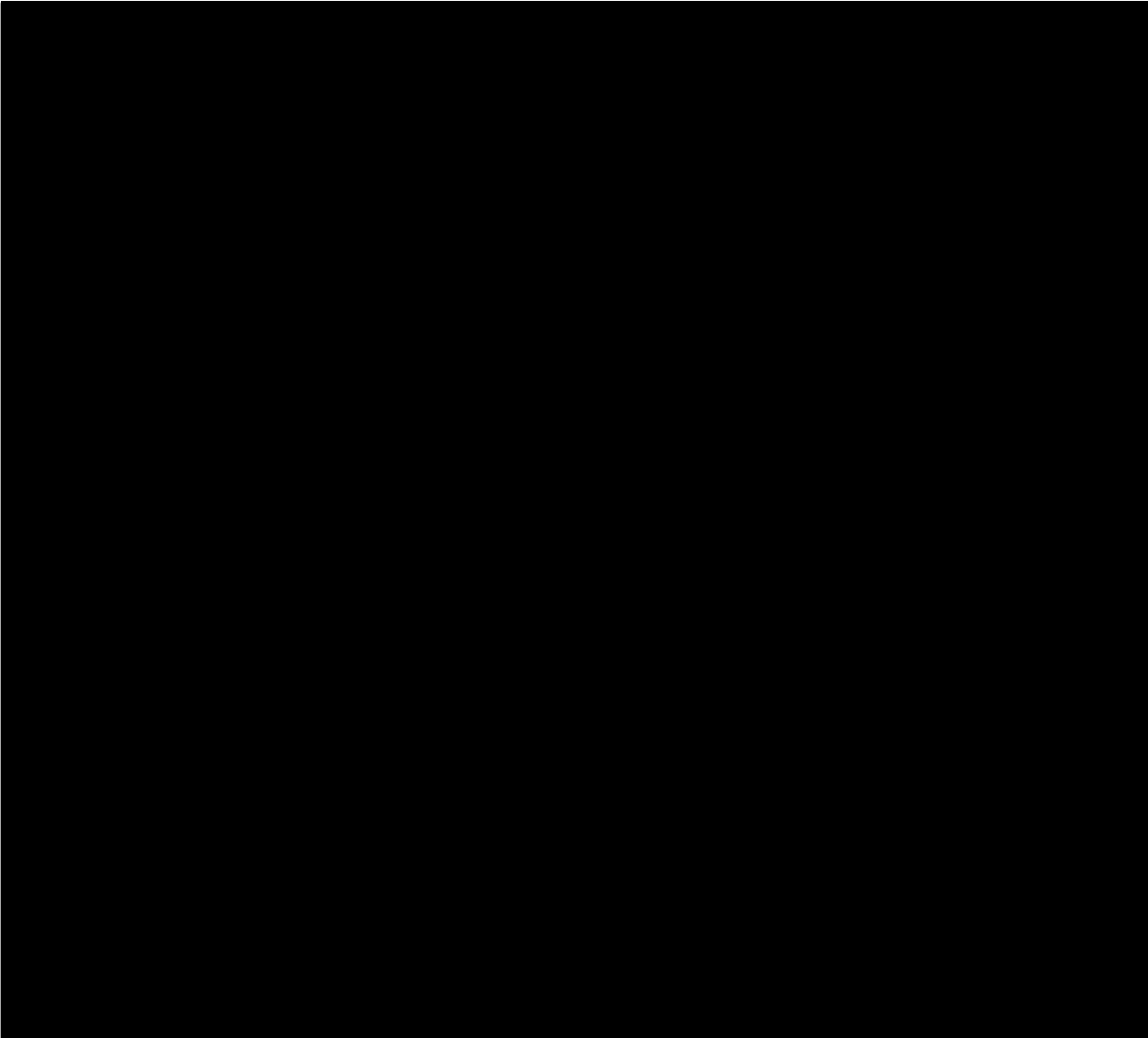
I have considered very carefully the submissions you make with respect to the proposed disciplinary action. However, there is nothing in the submissions made by you that leads me to consider the imposition of disciplinary action of reprimand or, alternatively, a warning with an expiry date of six months is a reasonable and just outcome.

In reaching my decision on disciplinary action to be taken I have had regard to the following:

- You are employed as a CCO with QCS at the [REDACTED] and have been employed in this role for approximately 17 years. In your role, you are expected to carry out your duties in a professional manner at all times and to comply with the CS Act, the Department's policies and procedures, as well as the Code of Conduct.
 - I have found that you have, without authority, accessed information from IOMS in respect of multiple prisoners over an extended period of time. You have also, without authority, having accessed information from IOMS, released information to prisoners. Further, in your QPS interview, you admitted to accessing the IOMS records of many further prisoners, including for personal reasons and for your own personal satisfaction.
 - I consider your unauthorised access to IOMS was wilful, prolific and very dishonest. Whether you gained any material benefit from your unauthorised access of IOMS other than satisfying your own personal interest is irrelevant. At the times you used IOMS to access these prisoner records you would have been well aware that the purpose for your access was unauthorised. You accepted the IOMS User Agreement when logging onto the system which clearly outlined the terms and conditions of your use of IOMS and that the purposes for which you were seeking to use it were not authorised.
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Accordingly, I have determined to take the disciplinary action of termination of your employment effective immediately from the date of receipt of this letter. You will be paid an amount in lieu of notice, together with any outstanding leave accruals, in accordance with your industrial entitlements.

