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CORRUPTION AND CRIME COMMISSION

OF WESTERN AUSTRALIA

COMMISSIONER JOHN MCKECHNIE QC

TRANSCRIPT OF PROCEEDINGS

AT PERTH ON WEDNESDAY, 12 FEBRUARY 2020, AT 09.50 AM

COUNSEL:

MS NADIA PANTANO

WITNESS:

RICHARD PETER ELDERFIELD

1 **ELDERFIELD, RICHARD PETER CALLED AT 09.51 AM**

2
3 **THE ASSOCIATE:** The Commission is conducting a number of
4 examinations for the purposes of an investigation under the
5 Corruption, Crime and Misconduct Act 2003. That
6 investigation has been designated Operation Canopus.

7
8 The scope and purpose of the Commission investigation is to
9 examine how the Department of Justice prevents, identifies
10 and deals with serious conduct, including but not limited
11 to, implementation of the Corruption and Crime Commission's
12 recommendations and measures to address serious misconduct
13 risks in the supervision of section 95 prisoners,
14 contraband entering prisons, inappropriate associations
15 between prison staff and prisoners and the use of force
16 against prisoners and reporting of use of force incidents.

17
18 Before your examination begins, it is necessary for you to
19 take an affirmation, please stand.

20
21 **ELDERFIELD, RICHARD PETER AFFIRMED AT 09.51 AM:**

22
23 **THE ASSOCIATE:** Thank you, you may be seated.

24
25 **THE COMMISSIONER:** Mr Elderfield, you've - you've seen how
26 the system works, so I won't go through all that. I've
27 appointed Ms Pantano to ask questions my behalf. And
28 subject to my inability to keep my mouth shut, she will in
29 fact be doing that on my behalf.

30
31 **PANTANO, MS:** Thank you, sir.

32
33 **THE COMMISSIONER:** Ms Pantano?

34
35 **PANTANO, MS:** Thank you, sir.

36
37 Can you state your full name?---Richard Peter Elderfield.

38
39 And your current role?---Currently the Deputy Commission of
40 Operational Support within the Department of Justice,
41 Corrective Services.

42
43 Okay. And how long have you worked in - - -

44
45 **THE COMMISSIONER:** Sorry, before everybody starts. I flew
46 back from the east last week and I've had a blocked ear
47 ever since. So could you please try and keep your voices
48 up? Normally your voice would be fine, it's me, not you.

49
50 Same goes for you, Ms Pantano.

1 **PANTANO, MS:** Sure.

2
3 Perhaps if you can say that again, what's your current
4 role?---The Deputy Commissioner of Operational Support.

5
6 And how long have you occupied that role for?---I've
7 substantively occupied that position since April 2019.

8
9 Okay. And prior to that?---Prior to that, I was the Acting
10 Deputy Commissioner of Regulation and Operational Services.

11
12 Okay. And did that still fall within the same division
13 that you're currently now the Deputy Commissioner of?---It
14 did. It was within the Corrective Services Division.

15
16 And just briefly, can you describe the functions that you
17 undertake in your role as Deputy Commissioner?---Certainly.
18 As the name implies, Operational Support provides
19 specialist advice and services to the operational business
20 areas of Corrective Services. It's a fairly diverse
21 portfolio. I can go through each of the individual
22 portfolios if you would like?

23
24 Sure. And perhaps I can pull up the organisational chart,
25 because that may assist in your descriptions.

26
27 If I can have 0366, please?

28
29 Does that look familiar to you?---It does.

30
31 Okay. Perhaps that can guide your description?---So the
32 Operational Support Directorate is staffed by 248 people.
33 Currently, we have 24 vacancies across that entire
34 structure. Working from the top down, the Operational
35 Standards and Procedures branch comprises the public and
36 private - I beg your pardon, the Private Prison Contract
37 Management team and the Court Security and Custodial
38 Services Contract Management team, the Monitoring and
39 Compliance and the Operating Standards and Procedures or
40 Custodial Operational Policies and Procedures Project team.
41 The next branch down is the Security and Response Services
42 branch, providing specialist security and emergency
43 management advice across Corrective Services. It also
44 comprises the Special Operations group and the Drug
45 Detection unit. The Intelligence Services branch for
46 Corrective Services is next, providing organic intelligence
47 support to facilities and also a central intelligence
48 function, comprising collection, analysis, some
49 distribution application. The Corrective Services Training
50 Academy provides foundation and operation skills training
51 to Corrective Services Staff and also leadership

1 development training for all Corrective Services officers.
2 Second from the bottom is the Strategic Prisons Projects
3 team. It's a - basically a program management office. It
4 manages some specific strategic projects on behalf of the
5 Commissioner for Corrective Services. In particular, at
6 the moment, they're managing the Casuarina Prison expansion
7 project, the transition of Melaleuca Remand and
8 Reintegration Facility from Sodexo to the State. And
9 informing the scope for the further expansion of Casuarina
10 Prison.

11

12 **THE COMMISSIONER:** About how many FTEs would be - you be
13 responsible for in the broad sense from that list?---248,
14 Commissioner.

15

16 **PANTANO, MS:** And you said there were 24 vacancies. Are
17 they sort of evenly spread out amongst each of those
18 branches?---They are. So looking across that entire
19 structure, I think I started at the bottom with the
20 Executive Business Services, there's a team of five.
21 There's one vacancy there. In Intelligence Services,
22 there's 34 positions and presently eight vacancies. That's
23 soon to be reduced further by the end of March with an
24 additional two positions and we hope to remediate all those
25 vacancies by the middle of the year. Security and Response
26 Services, there's 112 positions with 12 vacancies
27 presently. Operating Standards and Procedures has 31
28 positions with zero vacancies. Learning and Professional
29 Development has 61 positions with two vacancies. And the
30 Strategic Prisons Projects team has a core staff of five
31 positions with one vacancy. I say a core staff in that
32 Strategic Projects team because there are staff drawn in
33 from across Corrective Services to assist with some of
34 those projects.

35

36 Okay. And who reports to you?---The Directors of all of
37 those branches and the Executive Manager of the Business
38 Services area.

39

40 Okay. Does anyone outside of your branch or division
41 report to you?---No, they don't.

42

43 No. Okay. Are you a line manager for anybody, any other
44 officers or employees within Corrective Services?---Not
45 that I'm aware of, no.

46

47 No. Okay. That's okay. We heard previously that you may
48 have been the line manager for superintendents, is that
49 correct?---No, that's not correct.

50

1 That's not correct. Do you know who is the line manager
2 for the superintendents?---The Deputy Commissioner of Adult
3 Male Prisons is responsible for the line management of
4 those superintendents that - adult male prisons as the name
5 suggests. And the Deputy Commissioner of Women and Young
6 People is responsible for the line management of the
7 superintendent of Banksia Hill Detention Centre and the
8 adult women's prisons.

9
10 And who do you report to?---I report to the Commissioner.

11
12 Okay.

13
14 **THE COMMISSIONER:** Are you on the Corp-Ex?---I'm not on
15 the Corporate Executive Committee for the Department of
16 Justice, Commission, but I am on the Corrective Services
17 executive team.

18
19 **PANTANO, MS:** Do you sit on any other committees?---I sit
20 on a variety of committees certainly.

21
22 Yes. If you could go through those just briefly?---Okay.
23 So the Corrective Services executive team holds formal and
24 informal meetings routinely. I'm a member of the
25 Corrective Services Performance, Assurance and Risk
26 Committee, the Corrective Services Corporate Services
27 Committee, member of the Aboriginal Services Committee, a
28 member of various board meetings managing the private
29 contracts. I'm a member of the Professional Standards
30 Intelligence Operations working group that we've heard
31 about during the week. And I have to say there's a large
32 variety of other meetings and committees that I'm also a
33 part of.

34
35 The Commission, as you're aware, tabled six reports in 2018
36 which covered a - a raft of different issues, but primarily
37 into misconduct occurring within the Department. And I
38 just want to refer to a quote from - it was the final
39 report that was tabled in Parliament on 26 October 2018 and
40 it was titled "Reporting to Misconduct Risks in WA
41 Prisons". In that it said that:

42
43 The solutions to the various issues that were identified by
44 the Commission will require wholesale change of culture,
45 improvement in technology, simplification of policies and
46 procedures and a commitment at all levels, not just the
47 top, to address and reduce serious misconduct risks in
48 prisons.

49
50 Now, to the best of your ability, could you please detail
51 what changes have occurred since the publication of those

1 reports within the Operational Support - sorry, within
2 Operational Support?---The first and most significant
3 change would be the ongoing progress of the Custodial
4 Operational Policies and Procedures project, providing
5 clear guidance through a simplified structure of
6 instruments for all custodial staff. That project's well
7 advanced. Currently in phase 2, which is the drafting and
8 approval of all of those instruments. The stabilisation of
9 the Intelligence Services branch. I guess by that I'm
10 referring to the recruitment of permanent leadership for
11 that team, the establishment of some additional frontline
12 intelligence collator positions within intelligence
13 services and the permanent filling of tactical intelligence
14 positions to provide greater levels of intelligence support
15 to the frontline.

16
17 **THE COMMISSIONER:** But just before you move on, on
18 intelligence services, how far would you say - I don't know
19 whether you'd accept the proposition I'm about to put to
20 you, that as of 2018, the intelligence services were
21 reasonably dysfunctional and not supporting the Department
22 in the way that should be expected. You may or may not
23 agree with that. But assuming that you do, how far would
24 you say you've come in getting the Intelligence Services to
25 a working capability to support the other areas?---Thank
26 you, Commissioner. I think a very long way, frankly. For
27 any team to perform effectively it needs to be well led,
28 and that's reliant on stable leadership. So it was a
29 priority for Corrective Services and it was also recognised
30 in some recommendations that the Corruption and Crime
31 Commission had made that it was a priority to substantively
32 fill the Director of Intelligence position and the
33 Assistant Director position. So we've done that, and we're
34 working through the structure to ensure that there is
35 stability and certainty for the staff. I think that's been
36 an important step forward. As I mentioned last time I
37 appeared before the Commission, what was important to me
38 was focusing the Intelligence Services' capability on
39 supporting the front line, our operational business areas;
40 so ensuring that the resources, the processes and the
41 priorities were oriented towards the front line, which is
42 where we carry the majority of our risk. So that's been
43 rebalancing the intelligence effort. We've come a long way
44 with not only increasing the frequency and the quality of
45 interaction with the front line through regular training
46 provided to frontline prison officers, opening up
47 opportunities to share intelligence information across all
48 sites. By that I mean providing security teams with access
49 to security reporting information across the State so
50 they're informed about risks system-wide. We have - as
51 Mr Maines pointed out yesterday there's been ongoing spirit

1 of collaboration to improve the working relationships with
2 the Investigation Services or, rather, Professional
3 Standards these days, to ensure that misconduct risks, when
4 they're identified by Intelligence Services, are very
5 quickly communicated to Professional Standards for
6 assessment. The Director of Intelligence Services has
7 developed a strategic plan, taking us out to 2023. The
8 first phase is about stabilising the capability; as I've
9 pointed out confirming that the structure is appropriate
10 and filling all the vacancies, and that will conclude in
11 the second quarter of this year. The next phase is to
12 normalise and adjust the Intelligence Services' capability,
13 so by that I mean continuing to ensure that the
14 Intelligence Services information and capability is
15 oriented to the front line and addressing the development
16 needs of the staff. So I think that was one area that, if
17 we went back to 2018, was not addressed. There were a lot
18 of staff there who had a wide variety of experience in many
19 organisations or many organisational contexts, however we
20 had a responsibility to develop them as intelligence
21 professionals and intelligence professionals within the
22 Corrective Services environment so that's been also part of
23 our effort, leveraging inter-agency training opportunities
24 and developing our own induction and training for those
25 officers. We've also reinvigorated many of the
26 relationships with external agencies, such as the West
27 Australian Police Force, the Australian Police and other
28 Commonwealth agencies to ensure that there's a very close
29 working relationship for the sharing of information, as it
30 impacts on our risk and obviously community safety. So I
31 think we've come a long way, Commissioner.

32
33 No doubt counsel will drill down and explore some of those
34 things but if I could just confine myself to one sort of
35 issue and I preface that by saying that I'm well aware that
36 intelligence analysts are a fairly scarce resource and
37 everybody's competing with them but there are eight
38 vacancies. What are your sort of hopes or prognosis to
39 filling those in the near future?---I think our recruitment
40 activities over the last 18 months have demonstrated that
41 we have the ability to attract and retain talent, and not
42 only attracting it within Western Australia but also there
43 have been people recruited from the eastern states so it's
44 been very important that we explore our professional
45 networks to open those opportunities up nationally and
46 attract the right people. As I've pointed out, the
47 priority was stabilising the leadership and providing some
48 - filling those positions and also from the bottom up, the
49 collator positions and so forth. So the meat in the middle
50 at the - around the level 5 position, that's where the
51 majority of our vacancies remain. The Director of

1 Intelligence is presently looking at the process by which
2 we assess individuals who are applying for positions so
3 that we're looking to move towards more of an assessment
4 centre approach. So rather than bringing in people that we
5 have to invest a lot of time and effort to - to train as
6 intelligence professionals, we're able to assess their
7 skills, knowledge and attributes to determine their
8 suitability already. But as you say, it is a fairly
9 shallow pool we are fishing in here in Western Australia.
10 However, there is a lot of talented officers out there and
11 as I say, nationally there's also some talent that we can
12 draw on.

13
14 **PANTANO, MS:** Just while we're on the intel directorate
15 and you've mentioned some changes more broadly and I do
16 want to drill down as the Commissioner alluded to, tell me
17 specifically how information is shared from the Corrective
18 Services intel branch across the prisons, across the
19 custodial estate? How, practically, does it work?---I
20 guess the first element of the intelligence cycle is
21 collection. So as information is collected within prisons
22 that's submitted in security reports which take a variety
23 of forms so that might be a security report in our Total
24 Offender Management System, it might be a Just Us report
25 which is accessible to all members of the Department of
26 Justice. Once those reports are submitted, Intelligence
27 Services analyse those reports and develop assessments
28 based on that information. Immediately security teams at
29 prisons are able to access all security reports, and that's
30 a change since we last spoke where I understand security
31 teams did not have access to security reports outside of
32 their respective facility, obviously limiting their
33 situational awareness. So we've addressed that.

34
35 How do they have access, through what?---They have access
36 through TOMS, again the Total Offender Management System,
37 but also the use of the intelligence database. So iBase is
38 an analytical database which imports data from TOMS and -
39 and other sources. It's currently primarily used by
40 Intelligence Services, Professional Standards as we've
41 heard, and the Court Risk and Assessment Directorate.

42
43 Sorry, do - - -?---All of the reporting received into that
44 database is triaged every day by the Intelligence Services
45 staff.

46
47 Right. So - sorry, are you saying that the security
48 managers have full access to iBase?---They have access
49 through - so if they are designated with a particular role
50 in the security team, because of obviously the

1 confidentiality of some of that information not all members
2 of a security team might have access.

3
4 Right?---Particularly if they may be acting in that team.
5 But where they're a permanent member of the team they would
6 have access. Of course, the intelligence collators that
7 are located in prisons have access. And there's also an
8 IntelliShare access which is a sort of a light version of
9 iBase and again all the intelligence collators have access
10 to IntelliShare information and it's available to security
11 managers at a number of facilities.

12
13 Okay. What about the superintendents, what access do they
14 have to the security reports?---They have direct access to
15 their security team. So the role of the security team is
16 to keep the superintendent appraised of all risk
17 information regarding their facility.

18
19 Okay. So it's basically up to each individual security
20 manager at each custodial site to inform their own
21 superintendent?---That's certainly the primary source.
22 However, Intelligence Services has a role across the system
23 to keep leaders at all levels informed of risk information.
24 So where there is an immediate threat or there's an
25 emerging issue, that information is distributed in routine
26 intelligence products widely across the organisation, to
27 superintendents, Deputy Commissioners and a - and a wider
28 audience. So they might be at short notice as a - as an
29 incident arises or thematic reports. We provide a weekly
30 intelligence summary to a wide audience, which is a - - -

31
32 This weekly intelligence summary, who is it provided to?---
33 So it's a wide audience, all of the superintendents,
34 community corrections managers, the executive of Corrective
35 Services and some other parties outside of Corrective
36 Services, such as the Director General.

37
38 When did this start, the provision of these weekly intel
39 summaries?---Historically, intelligence services generated
40 - I think it was called a temperature report on a routine
41 basis, which provided a - more of a quantitative assessment
42 of information in the Corrective Services environment. Not
43 long after the commencement of the - I beg our pardon, it
44 would have been around the first quarter of 2019, we
45 dispensed with the temperature report and developed the
46 intelligence summary, which is more of a narrative form.

47
48 Okay. And what sorts of information would be contained
49 within those summaries?---Anything regarding the safety and
50 security and good order of a prison, so drugs and
51 contraband incidents, incidents of violence, disruptive

1 behaviour, those sorts of things that might affect the
2 security and good order of a prison.

3
4 And the sources of the information that's contained within
5 those summaries, where does that come from?---It comes from
6 individual officers, who submit J-STAR reports or incident
7 reports through TOMS, where the local security team then
8 assess that information, would generate a security report.
9 As I say, all of those security reports are then analysed
10 centrally. They're automatically uploaded into iBase - I
11 beg your pardon, I think it's a manual process that goes
12 into iBase.

13
14 Okay. And is the information or the intel that's contained
15 within those summaries, is it in the sort of raw intel
16 form, for want of a better word, or has it already been
17 analysed and it's the analysed intel that's contained
18 within the summaries?---So the intelligence summary is a -
19 it's both. It specifically refers to the incident itself,
20 but then adds some value by providing an assessment, so as
21 I mentioned, that information could come from any officer
22 at the front line, or it could be from a variety of
23 sources. It could come from other agencies, but it's the
24 synthesis of that information to produce an overall
25 assessment.

26
27 Okay. You said that's weekly and provided to every
28 superintendent? Is that right?---That's right.

29
30 Okay. What would you say to the proposition then that
31 information sharing was a one-way street, particularly the
32 Commissioner's information indicating that there seems to
33 be more information flowing up from the prisons, but not so
34 much flowing down to the prisons. What would you say to
35 that proposition?---As I've outlined to the Commissioner,
36 that's certainly been our focus in the last 18 months, is
37 to address I think that historical situation. After I was
38 here, I mentioned that I think that the intelligence
39 capability had been orientated to supporting the strategic
40 environment with broader strategic assessments, and not
41 necessarily providing real-time risk information to the
42 front line to allow superintendents and staff at the local
43 level to effectively manage the risk in their environment.
44 I think that has been addressed in part, but it does - I
45 think we've certainly got an opportunity to continue to
46 improve as the intelligence services structure is
47 completely filled, replacing an increased emphasis on those
48 officers being out at the front line, communicating with
49 all staff in prisons and Community Corrections
50 environments, so that they understand the way the
51 intelligence cycle works, how they can contribute to it,

1 and what they should expect from it as well. So those
2 interactions are very much a listening opportunity as well,
3 to hear from staff at the front line about what are their
4 frustrations with the intelligence cycle. Is it providing
5 the information they need to manage risk? With all of
6 those intelligence summaries, we actively seek feedback to
7 ensure that it is serving people's needs, including
8 superintendents.

9
10 That said - - -?---I think there's always an opportunity,
11 but I think that that is no longer the case, that it's a
12 one-way street.

13
14 And this - - -

15
16 **THE COMMISSIONER:** But we test is with an example.
17 Suppose in prison A you have a prisoner who intelligence
18 held by your group indicates is a high risk - whatever the
19 risk is. The prisoner is moved to prison B. Does the
20 intelligence follow that prisoner, so that prison B is
21 aware of what you are aware of?---Each offender has a
22 record in TOMS, as you'll be aware, Commissioner, so with
23 that record comes risk information, a variety of alerts and
24 flags are made within that system, so the receiving
25 facility would understand that there is a risk of escape,
26 or a risk of violence or a risk to or from other prisoners,
27 and then they can interrogate the source of that
28 information. They are provided with the records, and it
29 would be for their intelligence staff, the collator or
30 security team to further investigate the intelligence
31 records through iBase or IntelliShare to find the basis for
32 those alerts.

33
34 But would your intelligence holdings of the prisoner
35 necessarily be on TOMS?---Not necessarily. They would be
36 on one of those other databases, so iBase.

37
38 So it would be necessary - I'm just trying to understand
39 it, I'm not criticising it - so it would be necessary for
40 security staff in prison B, who interrogate something, in
41 order to find out the basis of the alert and further
42 information?---There is information contained within the
43 Total Offender Management System, and the reason it's there
44 is so that every staff member that has access to those
45 prisoners' records can see the risks presented with a
46 particular prisoner. So for those alerts, it's not simply
47 a - a label, there is background to the reason for that
48 label being applied; so it would provide some reference to
49 the source of the risk, but to further understand the depth
50 of that risk information, then it would be necessary to

1 seek further information from iBase through the local
2 security team.

3

4 And whose responsibility would it be to seek further
5 information in a prison? If it's everybody's, nobody does
6 it?---That's true, Commissioner, so the senior officers
7 within units are responsible for understanding the risk of
8 their individual prisoners and managing the day-to-day
9 risks within a unit environment, but those prisoners would
10 only be placed in that unit environment after they had been
11 assessed by the local security team to ensure that that
12 placement was appropriate for the risk. So the placement
13 of all prisoners within the system, whether it's across the
14 system, at a particular facility or within a particular
15 facility, it's conducted as a collaboration, essentially,
16 between security teams and intelligence services.

17

18 All right.

19

20 **PANTANO, MS:** Just while we're on the topic of the
21 prisoners, we're just deviating slightly, but what's the
22 capability of Corrective Services currently to monitor the
23 prisoner telephone system?---Well, obviously, in every
24 facility there is a prisoner telephone system. Presently,
25 that system is monitored by local staff, who provide -
26 submit security reports and intelligence reports when they
27 have listened to and found information of value.
28 Essentially, it can also be accessed and listened to by the
29 intelligence services team. So there's a variety of means
30 to access it.

31

32 Is it live-monitored? Do you know?---It depends. If there
33 was a particular prisoner of interest and there was an
34 ongoing monitoring of that prisoner's communication, then
35 perhaps. Generally, it's not monitored live.

36

37 And you were just talking about the transfer of information
38 regarding prisoners moving across the custodial state.
39 What about prison staff? So if prison staff are moving
40 from one site to another, and there may have been intel on
41 a particular staff member, is that intel shared across when
42 the prison officer moves?---Essentially, professional
43 standards would maintain the records of concerns regarding
44 individual prison officers. It would be aware that
45 the full information we disclose locally to the prison.
46 However, if the superintendent had needed to know that
47 there was a risk associated with a particular prison
48 officer, then I would expect that information would be - be
49 provided.

50

1 Would you say that is - falls within the remit of your
2 division of Professional Standards?---I think it's a close
3 collaboration. So Professional Standards, as I say, hold
4 those records. But it's obviously the responsibility of
5 Corrective Services to - to manage the risks within our own
6 environment. So that's why the information sharing is very
7 important. The operations working group that we have on a
8 fortnightly basis with the Director General of the
9 Commission, the Executive Director of Professional
10 Standards, the Director of Intelligence Services, the
11 Director of Investigations and Assessment from Professional
12 Standards is the opportunity for us to identify those staff
13 that might be presenting at-risk behaviours or misconduct
14 risk.

15

16 And how would your area know when a prison officer may be
17 moving from one site to another?---Are you asking how would
18 Operational Support know when a prison officer might be
19 moving?

20

21 Mm?---We wouldn't know that out of hand.

22

23 Okay. So then how would your Intel Branch be able to
24 collate any intel it had on a particular prison officer or
25 to check if it had any relevant intel relating to a prison
26 officer when they move?---That wouldn't be a function that
27 we would perform, that we, Professional Standards
28 Intelligence team would be monitoring those at-risk cases.

29

30 Okay. So you wouldn't know when a prison officer was
31 moving from one site to another?---We wouldn't know when a
32 - a prison officer was moving. However, there - if there
33 was a - a prison officer that was of interest, as
34 Professional Standards would be actively monitoring that
35 particular officer and probably would have a - if there was
36 significant concerns regarding an individual officer, they
37 would probably be informing the movement of that officer
38 perhaps, or at least monitoring it closely. And they would
39 keep us informed. By us, I mean Corrective Services. So
40 it's a - it's a - it's something that the Commissioner, the
41 relevant Deputy Commissioner would all be interested in
42 understanding.

43

44 If Corrective Services Intel Branch obtained security
45 reports that had information about potential staff
46 misconduct within them, what would you do with that
47 information?---That information is immediately distributing
48 to the Professional Standards Assessment team directly.
49 And there is a feedback loop where they keep us informed
50 about the actions that are taken. And as I mentioned,
51 those fortnightly meetings, we review all of that

1 information that's been passed over and the actions that
2 have been taken as a result.

3

4 And who's responsibility, either your directorates or PSD's
5 would it be to then inform the superintendent of that
6 prison where that prison officer is located?---That would
7 be the Professional Standards.

8

9 Do they then advise you that that's been done or not
10 necessarily?---They would have regard to the
11 confidentiality of the case. Whether there was a - a need
12 to be aware of that information, particularly to preserve
13 the security and good order of the prison or to inform our
14 ongoing intelligence collection effort. So there might be
15 cases where it's not just the behaviour of the - or the
16 behaviour of the prison officer is contributing to risks to
17 the security and safety of the prison. So it would be
18 important that Intelligence Services understood that, as it
19 might part of a wider security operation.

20

21 Okay. Now, you spoke a little bit earlier about the
22 strategic plan. That's due to - well, roll out until 2023
23 and you mentioned that one of the focuses was filling
24 vacancies and also some training. Can you detail what the
25 training package or orientation package looks like under
26 that strategic plan?---Are you talking about the induction
27 and orientation training package?

28

29 Yes, is that - that's the one under the strategic plan
30 that's been introduced?---That is correct, yes.

31

32 Yes?---So it's a - I guess it's an in-house program that's
33 designed to inform new officers to Corrective Services
34 intelligence about the nature of our environment to
35 demonstrate to them the tools that are at their disposal,
36 how the cycle works. I guess it's really an orientation to
37 our environment package so that there's a - every officer
38 receives the same induction and the same orientation so
39 that there's consistency in their understanding of our
40 unique environment.

41

42 Okay?---It's not intelligence training per se.

43

44 Okay. And when did this take effect, this orientation or
45 induction package?---The first orientation and inductions
46 package will commence this month.

47

48 This month. Okay. And what was in place, if anything,
49 prior to that?---Previously, our officers that were joining
50 Intelligence Services would have received the - the normal
51 corporate induction process. They would have no doubt

1 received handovers and induction within their team
2 environment. However, this approach aims to ensure that
3 all officers joining Intelligence Services receive a - a
4 consistent induction process.

5
6 And who monitors or ensures compliance with this in-house
7 training?---So I wouldn't characterise it as training. As
8 I said - - -

9
10 Sorry?--- - - - it's - it's an induction and
11 orientation - - -

12
13 Sure?--- - - - program. And the initiative from the
14 Director of Intelligence and in terms of compliance, it's -
15 it's more to ensure that all officers receive that
16 induction and orientation. The recent recruitment efforts
17 have been deliberate to draw new staff in at around the
18 same time so that we can maximise the value from that -
19 that package. It also includes presentations from some of
20 our inter-agency partners. So it's not only orienting
21 towards the Corrective Services and the Department of
22 Justice environment, but the wider justice and intelligence
23 environment of the State.

24
25 Is there any further work that you consider needs to be
26 done in that space in relation to the orientation and
27 induction of new staff?---I'm not sure about the - the
28 initial orientation and induction. However, we have plans
29 to provide deliberate development opportunities for
30 Intelligence Services staff throughout their tenure. We've
31 already taken advantage of some training opportunities
32 provided by other agencies, such as the West Australian
33 Police Force. So formalising those arrangement and
34 carrying through that it - those opportunities are taken
35 advantage of on a routine basis for all staff. We've - I
36 think part of phase 1 of the strategic plan, as I've
37 mentioned, is benchmarking against national correctional
38 and intelligence capabilities, how they develop their
39 people. So some of the staff from Intelligence Services
40 have been to some other jurisdictions in order to
41 investigate how they develop their own staff and build
42 capability.

43
44 And who's in charge of that process?---The Director.

45
46 And what security classification do staff within the Intel
47 Service directorate, what - what classification are they
48 required to have?---There are some designated positions
49 that are required to have a - an Australian Government
50 Security Vetting Agency clearance. But not all staff have
51 a requirement to maintain all those clearances. You'd be

1 aware that there's a baseline clearance, there's a negative
2 vetting 1 and a - a negative vetting level 2 clearance. So
3 typically, baseline is the expectation. However, that is
4 not currently formalised across all positions. So we're in
5 the process of reviewing those - that requirement. But
6 there are a number of staff within Intelligence Services in
7 order to maintain those inter-agency relationships and
8 information sharing that maintain an NV 1 clearance.

9
10 So are you saying that there are some staff currently who
11 don't even have the baseline security clearance?---There
12 are some staff that don't have the baseline security
13 clearance.

14
15 Okay. Is anything being done to manage those - that -
16 those staff?---I think it's important to remember that the
17 security clearance, as Mr Maines pointed out, is about the
18 ability to share information within the Commonwealth
19 environment. It's not about someone's ability to hold that
20 information or their integrity. It's about the - their -
21 it - it obviously vets their ability - - -

22
23 **THE COMMISSIONER:** It's about - sorry?---It's - it's not
24 about their ability to - necessarily about their integrity.
25 It's about ensuring that they have been vetted and screened
26 such that they can hold information of - or intelligence of
27 a Commonwealth significance. So really, the requirement to
28 hold those clearances, in this context, is about their need
29 to share information in an inter-agency environment. There
30 are other mechanisms that the Department of Justice employs
31 to screen someone's character and their integrity.

32
33 **PANTANO, MS:** And do you know whether those staff have
34 been through that other screening?---Yes, they have.

35
36 And you said that things are now being put in place to - to
37 review that process, what's been done?---So at the moment,
38 I've had a conversation with the Director of Intelligence
39 about identifying the - the need across all staff to hold a
40 security clearance. One of the Australian Government
41 security clearance. That's not necessarily going to
42 identify that all staff need to have a clearance whether -
43 even at the baseline, they've - but it's identifying the
44 need. Who needs to share information of a particular
45 classification in that inter-agency Commonwealth
46 environment?

47
48 Okay. So you've had a conversation. Is there - are there
49 any outcomes from that conversation or plans in place?---
50 It's part of the strategic plan. So that would be part of
51 phase 2 of the strategic plan.

1
2 Do you have a timeline or a deadline for that second
3 phase?---Phase 2 runs from June this year through to May
4 2021.

5
6 And included in that phase 2, just to confirm, is a - with
7 a review of staff who may or may not need a certain level
8 of security classification?---That's right. So it's - it's
9 validating processes and outputs. It's looking at staff
10 development needs and the sustainable use of technology
11 within the Intelligence Services teams. And that's all
12 within the scope of phase 2.

13
14 But does that also - I just wanted to sort of - I just want
15 to be certain, does that also include the review of staff
16 who may or may not need a certain security classification?--
17 --It's the review of positions that may or may not need a
18 security clearance.

19
20 Right. Okay. Mr Elderfield, the Department's identified a
21 couple of deficiencies within the directorate. And one of
22 them is that the information management database use -
23 utilised by Intel Services - Corrective Services and Intel
24 Services and IAD, otherwise known as the Integrity and
25 Accountability Directorate, is inadequate to address issues
26 with high level and operational level reporting regarding
27 staff performance and compliance. What do you have to say
28 about that?---My understanding is that the database, as it
29 was - is a - as it currently exists is an - an evolution of
30 various forms of over time. So the previous Investigation
31 Services area obviously works within the database.
32 Intelligence Services has worked within the iBase database.
33 Recently, there's been an effort to amalgamate those
34 databases, so that will occur in 2020. And it will become
35 a virtual - or it will exist on a virtual environment. But
36 as I think we discussed last time we were here, the
37 creation of that database has - because it's evolved over
38 time, it's become a bit unwieldy so that presently there's
39 a significant effort being undertaken within Professional
40 Standards to taking the lead, but they're collaborating
41 closely with Intelligence Services to redesign that
42 database, establish clear records, clear reports that serve
43 the needs of the organisation. So that's - - -

44
45 **THE COMMISSIONER:** Well, has it improved or not?---I think
46 the access within the database for both teams has improved.
47 So there's - Professional Standards has a greater access
48 to, habitually, all the information contained within iBase.
49 My understanding is that much of the records that are
50 maintained, there's greater clarity about those records,
51 what their naming conventions and so forth. Of course,

1 it's very hard to generate meaningful reports if
2 information is inconsistent in the way it's entered into
3 the database. So a lot of the effort has been about
4 providing clarity as records are entered.

5
6 **PANTANO, MS:** And who's in charge of the review of the
7 database?---It's a collaboration between Professional
8 Standards and Intelligence Services.

9
10 Okay. So who within your directorate is involved with
11 that?---The Director of Intelligence Services. And there
12 were some expert staff within his team, obviously, who are
13 providing advice regarding that review.

14
15 Okay. Is there an expected completion date when they - all
16 of those reviews into the database will be completed?

17
18 **THE COMMISSIONER:** You'll have to speak up a bit,
19 Ms Pantano.

20
21 **PANTANO, MS:** Are you aware of a completion or an end date
22 of when those reviews into the database will be completed?--
23 --I don't know that it's necessarily a review, but I - as I
24 said, it's the amalgamation of the databases and the
25 creation of a - new records on a - on a dedicated server.
26 So the time frame, as I understand it, is March to April
27 this year.

28
29 Right. For the completion of the amalgamation?---That's
30 right.

31
32 Okay. You said just earlier that the new database, or the
33 revised - however you want to call it, would now exist on a
34 virtual environment, how does it currently exist?---I
35 believe it's on a physical server that - - -

36
37 Right?--- - - - the Department of Justice maintains.

38
39 Is there anything additional, in your opinion that could
40 address the issues of the management of the iBase database
41 that might assist in it being more user-friendly or allow
42 the information flow to occur more easily?---In my view,
43 the work that's already underway is already presently
44 addressing those concerns.

45
46 You mentioned - you mentioned earlier about a special
47 operations group and we're aware that the Corrective
48 Service Intelligence Branch has established this special
49 operations group - sorry, has established a regular special
50 operations group and Intel Services monthly meeting. And
51 we've been advised that is to attempt to better synchronise

1 intel collection with planned SOG search activities at
2 certain custodial facilities. Are you able to tell the
3 Commission when did these monthly meetings commence?---I
4 can't tell you that off the - - -

5
6 Okay?--- - - - top of my head.

7
8 Do you know is it - been since the publication of the
9 Commission's reports?---It has. It's been in the last six
10 months.

11
12 Okay. And who - who's been driving that?---As I mentioned,
13 if I made it very clear to the Director when he commenced
14 in the substantive role that wanted to see Intelligence
15 Services spend a greater focus and priority on serving the
16 frontline. Not only prisons, but of course, our strategic
17 resources in the Special Operations group and the Drug
18 Detection Unit. So establishing habitual communication and
19 interaction with those organisations and a regular flow of
20 information and intelligence to drive their activities. So
21 this initiative was - was led by the Director but certainly
22 supported well by the Intelligence Service staff.

23
24 Okay. And how would you say - well, what would you say is
25 the impact from these meetings on the operating environment
26 within Corrective Services?---First of all, I think the -
27 promoting a spirit of collaboration and communication,
28 sharing of ideas, the ways that Intelligence Service -
29 sorry, intelligence information can be better used to
30 support the security and safety of our custodial
31 environment. So communication would be the first thing.
32 Secondly, there has been active - more active sharing of
33 information to drive security operations. So whether
34 they've been targeted or random searches conducted by the
35 Special Operations group at custodial facilities, the
36 Intelligence Services Branch has been able to provide
37 specific information about risks and individuals and
38 prisoners within that particular facility to drive the
39 search priorities.

40
41 The Commissioner's also aware that the Corrective Services
42 Intel Services Branch has also made improvements made to
43 the dissemination of drug and contraband intel to the Drug
44 Detection Unit and increased familiarisation for Drug
45 Detection Unit staff of Intel Services processes. Can you
46 go into a little bit more detail about what these
47 improvements are?---Similar to the interaction with the
48 Special Operations group, it has been about the officers
49 talking at a tactical level about their respective roles
50 and responsibilities. So Intelligence Services staff have
51 attended the Drug Detection Unit and also attended Drug

1 Detection Unit operations to understand the capability and
2 the way those resources are employed. They've talked about
3 the security - I beg your pardon, the intelligence cycle;
4 how drug detection officers can feed the intelligence cycle
5 by the generation of security report, how that information
6 is used by Intelligence Services. So the purpose there is
7 to provide the drug detection officers with confidence in
8 the system, but also to understand how they can actively
9 contribute to that intelligence cycle.

10

11 This communication, is this a formalised process?---There's
12 been training delivered to the Drug Detection Unit on
13 security reports, how to submit security reports. So I
14 guess it's important to ensure that there's information of
15 value that's submitted in the appropriate form, with the
16 right level of detail, with the security reports. So
17 that's been an education. So that's been some deliberate
18 formal training; as I mentioned the less formal, if you
19 like, but more frequent interaction with the Drug Detection
20 Unit through attendance at searches and actually attendance
21 at the unit. But also drug detection officers have also
22 come to the Intelligence Services Branch for orientation,
23 to understand their - the nature of their work and their
24 business as well.

25

26 When you say orientation, is that just for new DDU staff or
27 existing?---No, for existing. So existing drug detection
28 officers have come to Intelligence Services for a day, to
29 sit with intelligence analysts and understand the nature of
30 their duties.

31

32 And again, who within your directorate or branch is driving
33 these changes?---It's being led by the Intelligence
34 Services leadership team so the - the Director and the
35 Assistant Directors.

36

37 Okay. And do you know when these changes started
38 occurring?---They've been occurring over the last six
39 months.

40

41 You touched on this earlier in relation to inter-agency
42 relations and the improvements that have been made there.
43 Can you detail - provide a little more detail as to what
44 work your directorate's doing to enhance its collaboration
45 with other agencies?---I think the first step is
46 establishing regular interaction with other agencies
47 through formal and informal forums. The Commissioner has
48 established regular meetings between the senior leadership
49 in the West Australian Police Force and the Corrective
50 Services executive team to share information and our
51 priorities, look for opportunities to work more closely

1 together to ensure that our efforts are mutually
2 supportive. So that's at the strategic level. The
3 Intelligence Services leadership team have been actively
4 engaged with other agency partners both in ongoing
5 intelligence matters, so active cases, but also to maintain
6 I guess more habitual relationships. We've been exploring
7 opportunities for mutual training. We've invited
8 representatives from some of these other agencies to brief
9 our staff at security managers' forums, at Intelligence
10 Services Branch occasions, so providing advice on
11 information of interest; for example, gang crime activities
12 in the community. So there's been the delivery and updated
13 intelligence brief on gang crime delivered to Intelligence
14 Services and the - all the security managers across the
15 State for example. We've also recently established a
16 12-month exchange of intelligence analysts between the West
17 Australian Police Force and Intelligence Services. The
18 idea is not that that person is embedded to serve the other
19 agency but it's about that person bringing with them a
20 whole range of other skills and knowledge to assist with
21 our intelligence effort and likewise, a member of our team
22 going to work within the West Australian Police Force to
23 share their knowledge and experience and that will - that's
24 a 12-month exchange and the idea that we'll continue that
25 on beyond that period.

26
27 And when would you say this sort of enhanced collaboration
28 between other agencies and your directorate, when did that
29 sort of start?---I think there's always been a close spirit
30 of collaboration, frankly, with other agencies and I've
31 mentioned a couple of them. I think because of some
32 transience in the structure and the positions within
33 Corrective Services and Intelligence Services over, I'm
34 talking, more than five to 10 years, those relationships
35 have been held at varying levels. But in the last
36 12 months there's been a really determined effort to
37 maintain those relationships habitually, as I've pointed
38 out. We've temporarily appointed a level 6 intelligence
39 officer late last year to develop a formal stakeholder
40 engagement plan for Intelligence Services. So rather than
41 those relationships being perhaps (inaudible) times or
42 visibility lost of - of the frequency and - and how they
43 are serving all parties, the idea is that the strategic
44 engagement plan will map all of those relationships at the
45 various levels and how they support our - our work.

46
47 Is there any sharing of databases, say with WA Police?---We
48 have access to some police databases and similarly, West
49 Australian Police officers have access to the Total
50 Offender Management System.

51

1 And has that always been the case, as far as you're
2 aware?---It has.

3

4 Is there anything further that you think could be done to
5 better enhance the working relationship between your
6 directorate and other agencies?---Like I said, I think
7 having a deliberate strategic engagement plan is very
8 important. It's not to say that that, those relationships
9 and that engagement, isn't occurring but it does need to be
10 worked at and we need to commit to those relationships
11 through habitual engagement. I think the exchange is a -
12 is a really terrific initiative to hardwire the exchange of
13 information. The Commissioner's initiative to establish
14 senior exchange of information and collaboration between
15 the West Australian Police Force and Corrective Services is
16 terrific. It's really paying dividends, I guess, and just
17 in our shared understanding of the challenges that both
18 parties face and where there might be opportunities to work
19 together better to improve the collaboration and sharing of
20 information. So I think it's continuing the work that's
21 already commenced.

22

23 And we've talked about the information sharing between your
24 directorate and others in relation to a staff member who
25 may be moving across the custodial estate, but what about
26 the involvement of the Corrective Services intel area in
27 sharing information about a new staff member that you might
28 hold to any other directorate, does that occur?---Could you
29 reframe the question, please?

30

31 So would there ever be occasions where Corrective Services
32 intel may hold information about a new staff
33 member?---Someone that is seeking to join the agency, we
34 have some information that might be relevant to their -
35 their screening?

36

37 Yes?---On entry to the agency?

38

39 Yes?---Absolutely. So that - the - all of the Intelligence
40 Services records in iBase are accessible by Professional
41 Standards, so as part of their screening they interrogate a
42 range of sources and so that information would come to hand
43 through their screening process.

44

45 So is it the case that Professional Standards have complete
46 access to all the databases that Corrective Services intel
47 have access to?---Yes, they do.

48

49 Okay. So there's nothing within Corrective Services intel
50 that Professional Standards don't have access to?---No.

51

1 Okay. The department has advised the Commission that
2 there's going to be a greater risk - sorry, greater focus
3 on rescreening and early intervention for staff who've been
4 employed with the department for some time to identify
5 circumstances - where circumstances may have changed and
6 determine if they're at greater risk of committing
7 misconduct. Do you know if there's going to be any
8 involvement of your directorate in this rescreening
9 process?---Not direct involvement in the process. I'm sure
10 that the information and the holdings of Intelligence
11 Services would be of value in that process and those
12 records would need to be interrogated through that
13 rescreening and - - -

14
15 Are you - - -?--- - - - and so actively make those records
16 available to inform that assessment.

17
18 Okay.

19
20 Commissioner, now might be an appropriate time for a short
21 adjournment.

22
23 **THE COMMISSIONER:** Very well. We'll have the morning
24 adjournment, somewhat earlier than is normal. We'll resume
25 at 5 past 11.

26
27 (THE WITNESS WITHDREW)

28
29 (Short adjournment)

30
31 **ELDERFIELD, RICHARD PETER RECALLED ON FORMER AFFIRMATION AT**
32 **11.07 AM:**

33
34 **THE COMMISSIONER:** Please be seated.

35
36 **PANTANO, MS:** Thank you, sir.

37
38 Mr Elderfield, we're going to move on now and talk about
39 the search and screening on entry to prison, and you've
40 already mentioned that your directorate is responsible for
41 the COPPS, otherwise known as the custodial operational
42 policies and procedures project?---Correct.

43
44 So my question around the search and screening on entry is
45 in relation to that project. We're aware - sorry, the
46 Commission is aware that a review of nine prisons since
47 1 January 2019 found that not one had an acceptable level
48 of compliance with searching policy requirements. Are you
49 aware of that?---I am aware of that.

50

1 And what do you have to say about that?---First of all,
2 that information has been generated from the monitoring
3 compliance audits conducted by members of my team, who
4 conduct on-site inspections of compliance against existing
5 policy. The existing policy is PD26 and, as you pointed
6 out, the custodial operational policies and procedures
7 project has reviewed that policy and described a due
8 instrument. But current monitoring and compliance
9 activities are against old policy. The only policy is
10 quite prescriptive, and it provides a single standard
11 across all facilities for searching and other activities.
12 So I guess the first observation I would make is that some
13 of the expectations of the old searching policy may not be
14 applicable to all sites. By that, I mean expectations
15 around searching at a maximum security facility may be
16 different from those expectations at a low-security women's
17 prison, because all the prisoners within that facility have
18 been risk assessed to present a low risk to - to the
19 community. So I guess my point is that that standard, by
20 applying a consistent standard across all facilities - it's
21 probably unrealistic, and therefore some facilities,
22 superintendents and their local team, are prioritising
23 effort according to their risk environment. And so,
24 strictly speaking, they may not be compliant with the
25 policy, that doesn't necessarily mean that there's
26 increased risk at those facilities. However, I'm also
27 aware that at some of the maximum-security facilities, and
28 indeed the medium-security facilities, there is also non-
29 compliant with the existing searching policy, and that
30 could be for a variety of reasons. It's important that the
31 searching policy is well supported by local procedures, and
32 providing clarify for officers about the expectations.
33 That's one of the objectives of the entire project, is to
34 review all those instruments. As we've heard from the
35 Commissioner's evidence on Monday, we're distilling more
36 than 2,000 instruments down to a much smaller number, to
37 provide a more coherent and clear set of guidance to staff,
38 so there is less opportunity for ambiguity and
39 non-compliance. I think that within each facility there
40 are challenges with where - if is applied on any given
41 days, so the standard of searching, the thoroughness of
42 searching, the frequency of searching may be compromised by
43 decisions at the facility about where to assign resources,
44 but I'm not making any excuses for that non-compliance,
45 that's why we conduct those checks, to highlight where
46 there is non-compliance. That feedback is immediately
47 provided to the superintendents to give them the
48 opportunity to address that non-compliance on the spot and
49 through changes in the local controls and systems, and it's
50 also reported strategically to the Corrective Services
51 performance assurance and risk committee on a quarterly

1 basis, so that we have an awareness at an executive level
2 of where that risk lies and where there's this area of
3 non-compliance, so we can address it systemically, but also
4 perhaps in isolation at a particular site where there might
5 be a need to provide further supervision.

6
7 So how are all those factors - how are they being played
8 into the new COPPS in relation to the search?---So the -
9 we're simplifying the direction to facilities, so the new
10 policy provides a high-level policy direction, and then
11 it's reliant on the - each facility to develop a local
12 standing order for searching, so how that policy is applied
13 locally within the risk environment, the physical
14 environment of the individual facility. However, that
15 local standing order will be a consistent structure across
16 all facilities, so we're prescribing the form of that local
17 instruction so that we have confidence that there is
18 consistency and compliance across the board. In the old
19 structure, local orders were developed by facilities.
20 There was limited oversight of those local orders, and
21 there was a lot of inconsistency across facilities, and so
22 it was difficult, I think, for Corrective Services to
23 monitor where the risk was, how facilities were
24 interpreting extant policy and applying it locally, and
25 then measuring performance against the policy, because the
26 policy, I guess, is inactive or followed through in those
27 local procedures, and where there's inconsistency, it
28 becomes quite complex.

29
30 **THE COMMISSIONER:** Well, I appreciate that you're in the
31 middle of rewriting the policies to make them workable, and
32 something that the Commissioner said on Monday seemed to be
33 correct to me, with respect, which the five per cent figure
34 is essentially a meaningless figure. But either - there's
35 an issue one way or another. Either the issue is that the
36 policy is wrong, which is why people are not complying with
37 it because they can't or for whatever reason, or the policy
38 is right, but there's a non-compliance, which needs to be
39 changed. So what are we doing about this one?---
40 Commissioner, I do think it's both of those elements.
41 There is certainly non-compliance, just basic
42 non-compliance with expectations that would be - that are
43 appropriate to individual facilities for a variety of
44 reasons, and also that there is always opportunity to
45 continually improve our policies, and so the new policy on
46 searching is the best effort to provide a contemporary
47 guidance for staff on the searching standards that should
48 apply across Corrective Services. The - we talked about
49 the five per cent figure, so that relates to the number of
50 people - movements through a gatehouse that must be
51 searched on a given day. I think that figure is a balance

1 - it's trying to strike a balance between available
2 capacity and resources to conduct what is a fairly
3 labour-intensive practice, but a very important practice,
4 at all gatehouses and facilities around the State, with the
5 risk presented by the majority of foot traffic through
6 gatehouses at specific facilities. So I think there's an
7 opportunity to apply - rather than the old policy applying
8 a blanket five per cent to all facilities, the policy in
9 further refinement could look at applying figures that are
10 appropriate to the risk profile of a particular prison. I
11 think it's important to keep in mind that the role of the
12 local security team, working in collaboration with the
13 intelligence services, is obviously also to identify those
14 high-risk visitors to facilities that are moving through
15 the gatehouse and need to be actively targeted for
16 searching as well, so there is an element of that - you
17 know, the randomness which is important to pick up the
18 unknown. However, it is also about improving and
19 continuing to refine our intelligence capabilities to make
20 sure we're identifying those targeted individuals that need
21 to be picked up actively. So there's the - I guess the
22 standard for policy, and then the practice, so actually how
23 we conduct searches themselves. In the Commission's
24 reports it was identified that there were some deficiencies
25 in our use of technology across sites to screen people
26 moving through gatehouses.

27
28 I'll just stop you there, because I'm sure counsel's going
29 to get to that?---Okay.

30
31 But for instance, as I understand it, border protection now
32 is mainly intelligence-driven in terms of their searching.
33 I think they still do a percentage random, but it's mainly
34 intelligence-driven, and - I'm putting this to you for
35 comment, but from what you've just said - this is not
36 directed at you, but from what you've just said, it seems
37 to me we have a continuing vulnerability in that we don't
38 have a policy fit for purpose, nor do we have universal
39 compliance with what there is. Now, is that a view that's
40 right or wrong?---I think that view is borne out by the
41 Commission's reports in 2018, so the custodial policies and
42 procedures project seeks to address that deficiency. There
43 are also a number of other initiatives that are under way,
44 or have been implemented to address some of those other
45 vulnerabilities, you know, the use of technology, the clear
46 standards for how to conduct searching. So the new policy
47 sets out clearly the - how a basic search is conducted, how
48 a strip search is conducted, so the expectations around the
49 operational practice. The implementation of that policy,
50 as I've pointed out, is very important in the local
51 standing orders, so actually how facilities are going to

1 apply that standard. The conduct, the volume and the
2 location of search activities across a site on any given
3 day, whether it's a site that's frequently having movements
4 externally from prisoners attending section 95 activities,
5 whether it's a maximum-security facility, remand facility
6 with a lot of people coming in from the community, they
7 would have a different, perhaps, emphasis for their search
8 priorities, mindful of the availability of resources within
9 each facility.

10
11 Mm.

12
13 **PANTANO, MS:** Just to take it a little bit further,
14 Commissioner Hassall, as the commissioner, our
15 commissioner, pointed out made a comment on Tuesday - on
16 Monday, I believe, that the five per cent minimum standard
17 that was required of searching, said this was a meaningless
18 figure in some regards, given that some prisoners are at a
19 higher risk for various reasons, with one being that some
20 prisoners have a higher number of visitors. Would you say,
21 given you're overseeing the project, that - do you think
22 that prisoners with a higher number of visitors should be
23 subject to a higher percentage of searches?--Not
24 necessarily. I think the five percent was a figure to
25 ensure that there was a baseline, a minimum level of
26 screening of visitors, so that there was - I guess it's
27 deterrence. Visitors to facilities don't know whether they
28 are going to be searched or not, so you would hope that
29 they would err on the side of caution in their attempts to
30 traffic drugs and contraband, or bring other material into
31 a facility, and with every random activity there's always
32 the potential that you might identify a particular threat.
33 What I think is important is the use of intelligence to
34 drive our effort, and I come back to my point about the use
35 of intelligence to target specific individuals, or
36 methodologies for trafficking. So it might not be that
37 just a pat search on entry to a facility is the most
38 effective method of detecting drugs or contraband entering
39 a facility. In fact, those of us who have been subject to
40 numerous pat searches would recognise that it is a fairly
41 rudimentary practice, and that's what that five per cent is
42 prescribing. So there are other practices, there are -
43 other technology that we can use to conduct more effective
44 searches, and we can also use our available resources to
45 conduct targeted searches at particular times, whether it's
46 - you would have been aware of the significant number of
47 car park search operations that were conducted at
48 facilities around the state in the last 18 months to two
49 years. The purpose there is to - I guess clearly identify
50 to members of the community that we have the authority
51 under legislation to search any person or vehicle coming

1 onto gazetted prison land, and by keeping drugs and
2 contraband at bay from the environs of a prison, it's less
3 likely to make its way to the gatehouse. Visitors
4 attending a prison are less likely to have the drugs or the
5 contraband or the weapons in their possession or in their
6 vehicles when they come into the gatehouse, or come into
7 the prison. So that's about pushing the barrier further
8 away from the gatehouse, which is our last defence. I
9 guess also there's particular methodologies that are
10 employed to target - to traffic drugs and contraband, and
11 without going into the specifics, what we've been heavily
12 focused on in the last 18 months and sort of talked about
13 the use of intelligence to drive security operations is -
14 being precise in the way we use our resources to target
15 individuals or methodologies for trafficking drugs and
16 contraband.

17

18 Okay?---It's probably the other point I just make, and we
19 might get onto it, is the use of technology. Of course,
20 that is a - a force multiplier. So there is the ability to
21 screen large volumes of people attending facilities through
22 the use of technology. And we are seeking to harness that
23 technology across the State.

24

25 And I do want to get into the technology, but just before
26 we go into the resources which you've touched on, you
27 mentioned earlier that the Monitoring Compliance Branch are
28 responsible for ensuring compliance with the searching
29 standards, is that correct?---They're not responsible for
30 ensuring compliance. They measure compliance.

31

32 Okay. For monitoring - measuring the compliance?---For
33 monitoring the compliance, that's right.

34

35 **THE COMMISSIONER:** Who's responsible for ensuring
36 compliance?---The - the line management of the facility.
37 So I think superintendents of course are responsible for
38 the security and good order of facilities. Their line
39 management is the Deputy Commissioner for those areas. But
40 I think the Corrective Services Executive Team takes a very
41 shared sense of responsibility for compliance. So it's
42 never a conversation about, you know, a particular facility
43 that might be non-compliant and it just needs to be fixed,
44 it's "How can we support that facility to ensure that
45 compliance is addressed"? Is it related to some of those
46 other points I've mentioned already, that it's not
47 specifically about a wilful disregard of the policy, maybe
48 there's some localisation that needs to be considered. But
49 also, is it, you know, resources impacting on their non-
50 compliance? Is there other tools and aids that we can
51 provide to support them?

1
2 **PANTANO, MS:** So that leads into my next - next question.
3 Once the compliance is measured by the branch, what - what
4 happens next, practically speaking?---A report's generated
5 immediately - well, following an inspection for the
6 superintendent. It's a - you know, those compliance
7 reports are quite comprehensive and they address more than
8 just searching compliance of course. That report's
9 provided to the superintendent and the prison's leadership
10 team. They provide feedback. So there might be some
11 mitigation. There might be some explanation or there might
12 be an acknowledgement that there was, you know, non-
13 compliance. Generally speaking, the superintendent will
14 immediately address that non-compliance, taking immediate
15 action, obviously, to close that risk. That feedback is
16 provided to the Monitoring and Compliance Branch. They
17 assess the validity of those - that feedback, perhaps the
18 mitigation and produce a final report which is shared with
19 the superintendent with the relevant Deputy Commissioner
20 and Assistant Commissioner. And as I've mentioned, that
21 report is tabled at the quarterly Corrective Service
22 Performance, Assurance and Risk Committee.

23
24 So there is a level, I guess, of oversight that the
25 Monitoring and Compliance Branch provide to each of the
26 prisons when they're trying to, I guess, make any
27 improvement actions following the initial report provided,
28 is that correct?---Absolutely. So - - -

29
30 Okay?--- - - - the monitoring and compliance activity are a
31 second - essentially, second tier of assurance. The - the
32 first tier of assurance is local supervisors and managers
33 and the superintendent verifying that policy is being
34 complied with. This is the second tier of assurance. The
35 idea is not necessarily just to highlight non-compliance,
36 but also, as I've pointed out, provide that immediate
37 feedback so that we can address those risks.

38
39 And - - -?---The other thing we are - have in the last two
40 years implemented is sharing of best practice. So this is
41 something that was recognised in those reports. They were
42 very, perhaps, critical where there was non-compliance.
43 But where those monitors who have a - a - a view of the
44 entire system have picked up better practice somewhere,
45 they've - they're sharing that around the state to show
46 that we are collectively improving.

47
48 Okay. So these - the role of the Monitoring and Compliance
49 Branch, has that always been in place or has that become
50 more standardised operational since the publication of the
51 Commission's reports?---The Monitoring and Compliance

1 Branch has been in existence for some time. The original
2 primary role was to monitor the private contracts. So the
3 Acacia Prison contract, the Melaleuca Remand and
4 Reintegration contract and the Court Security and Custodial
5 Services contract. So those contracts have monitors that
6 inform the contract manager about service delivery. The
7 compliance checking has existed for some time. However, in
8 the last two years, we have been reinforcing that team with
9 additional resources. So there's been some - more people
10 employed in the compliance area to increase the frequency
11 and depth of compliance reviews across the system. So they
12 have a program of compliance checking across the state,
13 across multiple (indistinct). And they also have the
14 capacity to conduct directed compliance reviews. W here
15 there might be a particular risk present in the environment
16 right now, they can go out and ensure there is a compliance
17 to protect the - the safety of a prison or the security or
18 integrity of - of a part of our system.

19
20 Okay. So other than more staff, what other changes have
21 occurred since the release of the Commission's reports into
22 the Monitoring and Compliance Branch?---There's been a
23 development of - I may get this term wrong, but compliance
24 manuals for the adult custodial environment and the youth
25 custodial environment. So it's essentially a handbook for
26 the monitors to use to ensure that their measuer4s and
27 consistent and in accordance with policy. So less
28 subjectively perhaps attaches to their conversations. But
29 that manual - or rather, those manuals, are provided to all
30 facilities as well so that there's no surprises. They're
31 aware of where the standards are and they can reach for
32 those standards and conduct preliminary or ongoing efforts
33 to ensure the maintenance of their standards so that when
34 the compliance activities come around, as I said, there
35 should be no surprises.

36
37 Okay. Anything else?---I think the - the reporting on
38 compliance activities has continued to evolve. So with
39 some of those directed compliance checking activities,
40 we've developed a - a standard form for reporting
41 compliance at routine intervals, which provides
42 transparency, again, about the - the checks that have been
43 conducted, the areas of compliance and non-compliance. And
44 something that I've really encouraged the team to consider
45 is recognising great work and compliance. I always think
46 it's really important to reinforce your strengths. So
47 rather than, again, it just being a stick approach, I think
48 it's very important to provide positive feedback to staff.
49 It encourages, you know, further effort to - to really
50 improve. So as I say, the - the development of structured,
51 transparent reports on compliance activities and the

1 reporting to the Executive Team has continued to evolve.
2 So you know, various dashboards and so on to clearly
3 identify where there is compliance and non-compliance and
4 how it's changing over time. So the - the current form of
5 the dashboard, which was again presented on a quarterly
6 basis, shows the trend across site and by metric of
7 compliance. Has it improved since last time? Has it
8 stayed static or has it decreased, which obviously pose a
9 concern.

10
11 Okay. And this reporting to the Executive Team, did that
12 not occur prior to 2018?---It did occur. As I say, the
13 reporting's evolved so - to provide a far more transparent
14 view of those activities. I think there was a lot of
15 narrative in perhaps some other reports, which might have
16 not given a very clear picture of where the non-compliance
17 and a - and a comparative assessment across sites around
18 the various areas of compliance.

19
20 There are obviously various ways in which contraband can
21 get into a prison and you've detailed already the
22 initiative of trying to move it further away from the
23 gatehouse and that being a sort of point of last - last
24 resort, for want of a better word. But - so you've got
25 obviously to come through visitors, staff and obviously
26 over the fence. What ways are - sorry, what's been done
27 since the publication of the Commission's reports to try
28 and combat contraband entering the prison via each of these
29 means? What changes have been made?---Given this is a
30 public hearing, I might be cautious about some of my remarks.

31
32 Sure?---So firstly, of drugs and contraband entering a
33 facility by a visit - - -

34
35 **THE COMMISSIONER:** I'm just interested in high level?---
36 I'll do my best, Commissioner.

37
38 If there was a need, we can go into private examination at
39 the conclusion, but - - -?---I'll do my best at a high
40 level. And if it it's not sufficient, then I'd be more
41 than willing to provide further detail.

42
43 I don't want to give people ideas?---That's the - that's
44 exactly it. So for visitors, as I've said, pushing back
45 the - the -the risk, the threat from the front gate of the
46 prison, there has been active communication of your zero
47 tolerance to drugs in prisons through a variety of methods.
48 You would have been aware that there's a - a lot of -
49 statements made in the media by the Commissioner to - to
50 demonstrate our position on drugs and contraband entering
51 facilities. The - the damage that causes to the

1 opportunities of prisoners to rehabilitate and ultimately,
2 the safety of the community thereafter. We've reviewed all
3 of your signage at facilities to ensure that it's very
4 clear the expectations on people visiting facilities about
5 trafficking drugs and contraband. Historically, I think
6 some of the signage was very legislative based. You know,
7 an A4 copy of the extract from the Prisons Act, which I
8 don't think many visitors would read. So now we have
9 large, visible signage on entry to prisons right through
10 the - the visit centres to the gatehouse, identifying that
11 there's a zero tolerance to drugs and - and contraband when
12 you're in facilities and - and warning people about the
13 consequences. We've implemented a - a text system to warn
14 visitors who have made a booking to come to a prison that -
15 just a reminder there is zero tolerance to - to bringing
16 drugs into a facility. That you may be searched and there
17 are obviously consequences. So there's - it's a lot of
18 educational and communication with visitors. The next area
19 is around policy and procedures. So clarifying
20 expectations in a contemporary policy, so the new cop on
21 searching provides clear expectations and the next phase of
22 that is the implementation of that searching through the
23 development of local orders that are applicable to each
24 facility. Part of that, complementing that, is efforts to
25 improve the capture of data on the quantity of search
26 activities and the results of that search activity. So we
27 actually have a - a very clear picture of where our risk
28 lies, what methods of detecting contraband and - and drugs
29 entering facilities are effective and perhaps ineffective.
30 So the - measuring the success of all those areas, methods.
31 So that's changes in the TOMS database so that there's -
32 records can be generated that are far more accurate and
33 reliable. We are investing in new technology across the
34 state to detect drugs and contraband at gatehouses. I
35 won't go into the specifics of that technology or where it
36 will be placed. Suffice to say it will be based on risk
37 and - and span the state.

38
39 **PANTANO, MS:** And is that - just to interrupt you, sorry.
40 Is - for that technology for the purpose of searching
41 visitors as well as staff or just visitors?---All people
42 coming from the gatehouse.

43
44 Okay?---Yep.

45
46 Sorry, can - - -?---Again, based on risk, and you know,
47 there - there is that element of - of random searching that
48 will apply to all people passing through a gatehouse.

49
50 Mm hmm?---We've invested in additional drug detection dogs
51 in regional facilities and also in - in the metropolitan

1 area to provide high rotation of drug detection resources
2 across all facilities both for visitors and obviously other
3 purposes as well, conducting prison searches and so on,
4 so - - -
5
6 Yes?--- - - - that's about three additional drug detection
7 dogs and officers since the report in 2018.
8
9 Sorry, I missed the last bit?---Three additional drug
10 detection officers since 2018.
11
12 And what about dogs?---They come with a dog.
13
14 Okay. So one handler per dog?---That's right.
15
16 Okay. I wasn't sure if there may be additional staff
17 attached to each dog?---No, no. Absolutely. It's a fair
18 question. So each drug detection officer has a dog
19
20 All right?---But it's - I guess - be very clear with the -
21 all of those are staff who have a really unique position
22 really in understanding the threat posed by drugs across
23 sites because they see the different methodology of
24 trafficking. They - they see the same individuals and -
25 and groups perhaps attempting to traffic drugs into
26 facilities. So they have a unique position to inform out
27 intelligence cycle with feedback about those methodologies.
28 But they're not just a - a handler and a dog as well. So
29 they have their - their powers of observation.
30 Increasingly, we're using technology to conduct drug
31 detection activities as well. So those officers have been
32 refreshing their skills in the use of technology and
33 upskilling in new technology to apply that technology as
34 well. So they might not necessarily, to your point, always
35 be present with a dog. There might be other - other
36 mechanisms they might employ. So you asked about visitors,
37 you asked about over the fence. I think addressing the
38 trafficking of - of drugs and contraband via the perimeter
39 fence is - is really an area that I prefer not to discuss
40 in - - -
41
42 Sure?--- - - - this environment. Every site has its own
43 unique vulnerabilities, I guess that's fair to say. We're
44 aware of those vulnerabilities and we use your available
45 resources to target those vulnerabilities and actively
46 collect information to inform the application of that
47 effort. I think there might have been another you -
48 you - - -
49
50 Of prison staff - prison officers?---And prison officers.
51 So since 2018, there has been a - an ongoing program of

1 staff searching and drug and alcohol testing events across
2 the state. Those number have continued to rise. We've
3 varied our approach over time, conducting random searches,
4 targeted searches and measuring the effectiveness of those
5 particular methods. So not every search activity
6 necessarily results in staff drug or alcohol testing and
7 not every staff drug or alcohol testing event necessarily
8 coincides with a - a staff search activity. The staff
9 search activities is really just supporting the efforts of
10 the local facility as well. Every facility, as we've
11 already pointed out, needs to conduct a - a - a bare
12 minimum of screening searches of people entering a facility
13 and that includes staff. So each facility is responsible
14 for their own searching of staff entering a prison. So the
15 efforts of the Special Operations Group, Drug Detection
16 Unit, sometimes in collaboration with staff from
17 Professional Standards has just been to complement that
18 effort and apply different methodology, perhaps to disrupt,
19 to detect and deter staff from potentially trafficking
20 drugs and contraband.

21
22 And I guess what the Commission's specifically interested
23 in in relation to these hearings is what changes since the
24 publication of our reports have been made in relation to,
25 as we're talking about now, the search of prison officers,
26 what changes have been made, given that was quite a hot
27 topic in several of the Commission's reports?---The first
28 point is that the frequency of the searching activity has
29 increased across the state. The - the second is that -
30 that the practices for conducting staff searching operation
31 - activities rather, have continued to evolve. I think
32 when these activities were strategically driven and first
33 initiated, we had opportunity to learn about the - the -
34 the approach, how to be conscious of the - I guess the
35 sensitivities of our colleagues to ensure that they're
36 treated with dignity and respect and courtesy and - as they
37 always are. It's very important. But we must uphold the
38 standards of the organisation and be consistent in the
39 application of those standards. So over time, the
40 procedures have evolved to provide clearer direction to
41 staff about what's expected of them during these
42 activities. And the new cop on searching has been the -
43 the vehicle to reinforce that evolutionary practice and
44 commit to a policy.

45
46 The Commission's heard that there are cultural issues
47 surrounding officers searching other officers and this was
48 put to the Commissioner on Monday, and he said that they
49 deal with this issue in a number of ways, one of which is
50 the superintendent checking the CCTV from the gates with
51 the prison, checks conducted by the Monitoring and

1 Compliance Branch and blanket searches being conducted.
2 What I want to know is a little bit more detail about how -
3 how those measures are being used to try and combat this -
4 this - these cultural issues that we've heard so much
5 about?---I think those measures demonstrate the standard
6 the organisation expects, the Commissioner's expectation
7 for the - the conduct of those searching to demonstrate
8 transparency and the integrity of our workforce. So I
9 think that's probably the - the most important aspect of
10 those activities and how that reinforces or - the change in
11 culture, I guess making it normal, you know that it's
12 expected. There's a lot of activities that Professional
13 Standards has already outlined in Shayne Maines' testimony
14 about education of officers about particular risks of
15 misconduct and corruption to, I guess, maintain a regular
16 conversation with staff about what's acceptable and not
17 acceptable, and in my view if you've got nothing to hide
18 there's nothing to fear in any of those activities; and
19 normalising those activities and just recognising it's part
20 of the job and part of the environment, I think that will
21 bring some - will go some way to perhaps changing some of
22 those legacy attitudes.

23

24 So are you able to say then, with the introduction of the
25 new procedures, that there will be officers searching other
26 officers? Is that going to become commonplace?---That's
27 always been the expectation.

28

29 Okay. Because the Commission has heard that one way of
30 getting around that is by having officers from another
31 area, such as from a prosecution team or an intel team,
32 conducting the searches of staff?---I think you're
33 specifically referring to strip-searching of staff, which
34 has been a controversial activity. Routine searches of
35 staff as they are moving through a gatehouse, in the form
36 of a basic search using hands or technology, isn't a
37 particularly controversial task. The thoroughness of that
38 activity is important, so clearly defining how it is to be
39 done provides clear guidance and the COPP provides that -
40 the new COPP provides that clear guidance so that there is
41 consistency and no ambiguity about the standard expected.
42 But when it comes to strip-searching of staff and I would
43 reinforce that certainly in the last five years that I've
44 been with Corrective Services there's been three strip
45 searches of staff and that's only in the last two-or-so
46 years. So it's a very rare occurrence and it's driven only
47 by the identification of a clear risk to the security of a
48 prison, a significant risk to the security of a prison. So
49 in the event that a staff member is subject to a strip
50 search there has been some understandable concerns about
51 how that search is conducted. In the circumstances where

1 we have conducted those searches, strip searches of staff,
2 there's very clear evidence and records to demonstrate that
3 they have been conducted with dignity, respect, privacy,
4 consistency and professionalism. So I don't have any
5 concerns about how they were conducted on those
6 circumstances but I can understand, certainly from the
7 perspective of staff, an apprehension about the unknown and
8 so the new COPP provides very clear guidelines for the
9 conduct of strip-searching of staff. We've been consulting
10 with the West Australian Prison Officers Union on the
11 development of that policy to ensure that it is clear and
12 it's - it's clear to all staff exactly what's expected of
13 them and what they can expect from the department in
14 conducting those searches.

15
16 **THE COMMISSIONER:** The department has experience of strip
17 searches, of course, in relation to prisoners?---Correct.

18
19 So I imagine the body of knowledge is there. Obviously, I
20 appreciate the difference. But in one of our reports we
21 detailed how simple it was for officers to smuggle in
22 material by wearing two pairs of underpants because in the
23 officers' experience, and more than one, there was never a
24 pat-down in the groin area so you can get round a pat-down
25 search simply by secreting drugs close to the groin and
26 that seemed to me then and seems to me now a vulnerability.
27 The other thing which came out of the reports was it was
28 sort of often known when there were going to be searches
29 and so one officer would go in early and if the search team
30 were there would simply phone his accomplice who would not
31 bring the drugs, or whatever contraband, in that day. Is
32 there anything that has improved those or to close those
33 vulnerabilities in the last two years?---There has,
34 Commissioner. As I've pointed out, the development of
35 clear guidance about the conduct of those searches so that
36 staff are very clear about the procedure, how to conduct a
37 basic search and which is the hand-search you're talking
38 about. My - my assessment is that historically it was
39 conducted very inconsistently and not very thoroughly. So
40 if the standard's very clear, at least we can hold people -
41 well, it's - it's the expectations are clear for all staff
42 and no matter who's assessing the conduct of that search
43 there's a consistent standard you've got to meet. In a
44 superintendent viewing a CCTV footage or Professional
45 Standards reviewing footage or the compliance monitors
46 checking, we're all very clear about the standard expected.
47 So I guess that's the first point. The use of intelligence
48 to drive targeted searching is also very important. In the
49 circumstances that you've described, Commissioner, my
50 understanding is that there were other warning signs that
51 could have assisted Corrective Services in conducting

1 targeted search activities around those officers to address
2 that vulnerability and so improving our intelligence
3 collection approach, the analysis of that information,
4 synthesising it with information from Professional
5 Standards and actively sharing information, we would hope
6 that we would pick up those risks far sooner and be able to
7 do something about it and apply the appropriate resource to
8 identify the approach to trafficking, whether that's a
9 targeted search, whether that's the use of technology,
10 whether that's, you know, the application of a strip
11 search. But I think it's fair to say that there - there is
12 a vulnerability there so we're reliant on multiple methods
13 to address the - the challenges, I guess, of a basic search
14 and the sophistication - - -

15

16 So is it fair to say the vulnerability remains but has been
17 reduced somewhat by clearer procedures and presumably might
18 be reduced further by technological solutions?---Yes,
19 Commissioner, that's correct and also the improved
20 intelligence effort dedicated to understanding risks in the
21 operational environment. So I've spoken earlier about
22 focusing those resources to actively understand the
23 frontline environment so that when we're conducting
24 analysis we're able to link bits of information more
25 effectively, draw on other sources of information that
26 might triangulate a risk, share information with
27 Professional Standards to identify vulnerabilities in
28 particular staff and link that to activities in a prison
29 and also that close collaboration with our inter-agency
30 partners, typically with some of these individuals there's
31 - you know, there's a number of sources that we can draw on
32 to identify, you know, the nature of a specific risk.

33

34 Thank you.

35

36 **PANTANO, MS:** Mr Elderfield, the Commission's aware that
37 the Director General has committed an additional \$2 million
38 of funding to the Special Operations Group. Are you aware
39 of that?---I am aware of that.

40

41 And when - has this transfer of funds occurred yet to the
42 SOG, has it taken effect?---It has taken effect. However,
43 it's not as simple as the bank account has gone up
44 \$2 million. It's - largely that funding is to provide the
45 salaries and wages of additional staff in the team. So the
46 first step to enhancing the Security and Response Service's
47 capabilities that the Director General has supported is to
48 make some workforce changes and that's been our effort
49 since July last year is to establish new positions,
50 reclassify existing positions, conduct recruitment to fill
51 those positions to provide an expanded security and

1 response capacity and skill. There is also some funding
2 attached to some additional vehicles, basically just to
3 carry those additional staff as they conduct their
4 activities around the State.

5
6 And how do you see this impacting on the way in which
7 searches are undertaken?---Twofold. Firstly, part of those
8 additional positions is an investment in training resources
9 and those training resources will be embedded in the
10 Special Operations Group but they will be mobile and their
11 purpose is not to train necessarily Special Operations
12 Group officers but it's to be out in prisons, metropolitan
13 - metropolitan area and regionally, to train and practise
14 and exercise with local staff in the conduct of their -
15 their skills, whether it's responses to incidents and
16 emergencies. So it's about increasing the competence of
17 staff at the front line. Secondly, there's some additional
18 Special Operations Group officers which will increase the
19 overall capacity of the organisation to conduct more search
20 activities and other security operations around the State.
21 So just the pure increase in capacity will provide more
22 resources to conduct more of these operations which have
23 been proving successful.

24
25 Anything else?---There are also additional - a number of
26 positions in the Security and Response leadership team to
27 provide state-wide advice and specialist support on
28 security and emergency management so just for emergency
29 scenarios and advice on a whole range of security matters
30 pertaining to the custodial and the Community Corrections
31 environment. So those positions were lost a number of
32 years ago, they weren't lost but they were deleted in a
33 previous reform but it's important that we have a central
34 subject matter expertise to lead security managers, drive
35 consistent behaviours, share information, inform projects
36 on security standards and expectations, the development of
37 new policy, the refinement of existing policy will be
38 informed by those experienced practitioners at that senior
39 level.

40
41 And you mentioned the Drug Detection Unit earlier. What
42 changes would you say have been made to that unit since the
43 publication of the Commission's reports?---There's been a
44 number of new positions created in the Drug Detection Unit
45 as I pointed out, both in the regional area and also in the
46 metropolitan area.

47
48 Anything else?---We've established standards for the drug
49 detection officers to meet on an annual basis, both in
50 terms of their operational skills and their - their
51 personal fitness so that there's a consistent standard set

1 for all officers and that's refreshed on an annual basis.
2 I've been very clear with the Drug Detection Unit
3 leadership that I expect them to be out with their officers
4 but particularly in the regions, supporting them to
5 maintain their standards and understanding in the
6 particular uniqueness of their environments and how to
7 better employ those resources in those environments. Part
8 of that has been understanding the opportunity to employ an
9 additional handler at one of those regional facilities by
10 understanding the local environment, so that - that was a
11 positive. The trial and evaluation of technology has been
12 a real focus for the Drug Detection Unit, so we've
13 conducted a wastewater drug monitoring program that was to
14 understand if we had a blind spot regarding the prevalence
15 of drug use in prisons. We obviously have already a drug-
16 testing program across the State for all prisoners, which
17 is conducted four times a year. I won't go into the
18 details of that program but that - there was perhaps some
19 concerns about the reliability of that information and was
20 it picking up everything that we needed to know about
21 wastewater drug monitoring, and obviously there's a
22 national wastewater drug monitoring program that's
23 conducted by a Commonwealth agency. So we have conducted a
24 state-wide wastewater drug monitoring program and the
25 results of that were - were informative. But it was
26 pleasing to note that it didn't tell us something we didn't
27 know. We - you know, the prevalence of drugs, the types of
28 drugs that are being used across the facilities was already
29 well understood and that - but that helped to trialling
30 that information. So we'll continue that on, perhaps just
31 with a different frequency and location just further refine
32 that program so that we can perhaps use it to detect drug
33 use in particular specific locations but I won't go into
34 the details.

35
36 Right?---There's been the trial of a lot of drug detection
37 technology conducted by the Drug Detection Unit and that's
38 informed business cases for the procurement of that
39 technology and I've sort of outlined before that there is
40 an intention, there's a commitment rather to procure
41 additional drug detection technology to be distributed
42 across the State as a result of those trials conducted by
43 the Drug Detection Unit.

44
45 Do you say that the DDU is adequately resourced to address
46 the needs of the entire custodial estate?---I'd - it's my
47 view that the Drug Detection Unit is adequately resourced.
48 You heard from Mr Maines yesterday that - and also the
49 Commissioner on Monday that the conduct of staff drug or
50 alcohol testing will shortly move from the Drug Detection
51 Unit to Professional Standards. While the Drug Detection

1 Unit didn't receive any additional resources when it took
2 on responsibility for the conduct of that function, there's
3 no doubt that it has demanded the application of some
4 resources and time. So with the transition of that
5 capability, we will continue to support that - that
6 practice as required for perhaps some of the larger-scale
7 events and so forth, but it allows the Drug Detection Unit
8 to refocus the available resources on the detection of
9 drugs across custodial facilities, on prisoners and
10 visitors.

11

12 Okay. Mr Maines said yesterday that Corrective Services
13 were still engaged in the - at this transition stage. Can
14 you detail the level of that engagement?---We're close - so
15 as recently as Monday there was meetings between my team,
16 who has been responsible for conducting that staff drug and
17 alcohol testing program since early in 2016, and the
18 Professional Standards staff to share the practice and the
19 procedures, the learnings, and help to inform their
20 acceptance of that responsibility. I guess that's - so
21 that I guess it's a close interaction already. That
22 decision was only taken by the Director General early this
23 month so it is still a recent decision, but obviously
24 there's a lot of work to be done to achieve the transition
25 date of I think it was the end of April.

26

27 So who's currently conducting the drug tests in this
28 transition stage?---The Drug Detection Unit will continue
29 to hold responsibility for conducting those tests until the
30 transition date.

31

32 Okay?---I dare say that as we move closer to the transition
33 there'll be collaboration between both parties to transfer
34 the knowledge and the practice.

35

36 **THE COMMISSIONER:** Do the Drug Detection Units go to the
37 country much?---They do, Commissioner. Would you like some
38 statistics or information on activities and events and
39 testing in the - in the regional areas?

40

41 Not - well, yes, but we'll take it in as a document
42 later?---Certainly

43

44 **PANTANO, MS:** Just on that, in relation to the regional
45 areas, would you say the resourcing of the drug detection
46 dogs is adequate to meet the needs of the regional areas as
47 well as the metro area?---I would like to go into the
48 details of the distribution of those resources around the
49 State in this forum.

50

1 Sure?---I think there is opportunity to expand the Drug
2 Detection Unit's resources into the regions further. There
3 are limitations to the effectiveness of various drug
4 detection methodologies, in particular environment
5 locations. So it's about employing the right resource in
6 the right location at the right time, and that's what we're
7 focused on doing.

8
9 Now, the Commission's aware that there's a WA Prisons Drug
10 Strategy. Are you aware of that?---I am.

11
12 What involvement has your directorate had with that
13 strategy?---We were involved in the development of that
14 strategy, particularly the drug supply reduction element to
15 the strategy; operational support, and in particular the
16 Security and Response Services team is responsible for the
17 implementation of the drug strategy within Corrective
18 Services. So the strategy was translated into an action
19 plan, a significant number of specific actions required to
20 achieve the drug strategy. Those actions are reported
21 quarterly at the strategic intelligence committee meetings,
22 but actively monitored and tracked routinely by the drug
23 protection unit.

24
25 Okay. And how would you say, or how would you describe the
26 impact that strategy has had on Corrective Services?---I
27 think the first thing is, it's provided a clear guidance of
28 the strategic expectation. It's identified some clear
29 objectives in our approach to drugs in prisons across
30 supply reduction, harm minimisation and demand reduction,
31 so it's allowed business areas across Corrective Services
32 to apply some focus to the challenge. There's obviously
33 plenty of areas that we can address to minimise the impact
34 of drugs in prisons. I think it's important to provide
35 some - a real - a real focus to bring people's efforts
36 together. So I think that's probably the first thing that
37 it's done. It's resulted in the development of an action
38 plan, time-bound actions with specific responsibilities for
39 staff to follow through. That has driven some of the
40 changes that we've just talked about in the additional
41 resourcing, new practice, the coordination of effort I
42 think across the Department of Justice, in fact, to, you
43 know, address the challenge of drugs in prison.

44
45 Okay. Just moving on from drugs and searching now, I just
46 want to talk about training. That falls within your
47 directorate?---It does.

48
49 Since the publication of the Commission's reports, what
50 changes have been made to the training regime within
51 Corrective Services?---There are a couple of concerns that

1 the Commission identified in our training. The first I'll
2 identify is (inaudible) of offenders in the community,
3 specifically the case of Mr Northern.

4
5 Mm hmm?---Look, it's important to identify that all staff
6 supervising prisoners are provided with training on
7 anti-grooming and manipulation and deception on entry; so
8 all staff are trained in that. The currency of that
9 knowledge and the refreshment of that knowledge I think was
10 the primary concern that was identified. So to address
11 that in the first instance, the department implemented a
12 range of checks at the local level to ensure that staff
13 supervising prisoners in the community were actively
14 adhering to existing policy, policy prescribing searching,
15 policy prescribing movement controls, reporting when
16 they're external to a facility, and those checks are
17 conducted at a front-line level by officers, supervised by
18 an independent senior officer. They're checked on a weekly
19 basis by a superintendent and on a quarterly basis by the
20 Assistant Commissioner of Custodial Operations. So that's,
21 I guess, the first thing. It's not related to training,
22 but that's, I guess, controls that have been implemented to
23 address those risks identified. The Corrective Services
24 Academy has developed an online E-Learning program for all
25 staff supervising prisoners in the community. It's a -
26 section 95 is the part of the Act that relates to those
27 activities, so it's a - training for officers conducting
28 section 95 activities. That program was completed earlier
29 this month and is available now. We intend to roll that
30 out to all of those staff that are supervising prisoners in
31 their community, I think some 125 across the State, by
32 early May of this year, and that will be required to
33 mandatorily recompleted annually. I just reinforce, that
34 it's not training, it is reinforcing the knowledge for
35 those officers and, obviously, as the situation changes,
36 the environment changes, policy changes, that policy -
37 rather training can be updated to reflect contemporary
38 expectations and, as it will be reviewed on an annual
39 basis, those staff will receive that training.

40
41 And who's responsible for ensuring compliance with that
42 training?---It's a line management responsibility to ensure
43 compliance, but it's important that line managers are aware
44 of the status of compliance with training, so the academy
45 maintains central records of the compliance with training
46 expectations across the agency, and those records are
47 provided through satellite trainers at each facility to the
48 superintendent.

49
50 And the centralised database, is that called GEMs?---That's
51 correct, yeah.

1
2 Thank you. Are there any shortfalls with that database
3 that still exist, to your knowledge?---Since the earlier
4 reports, the department has moved to a new database. There
5 was a legacy database which I believe did have some
6 concerns. However, the justice education management system
7 is a new database which manages our training records across
8 the Department of Justice, and that's been implemented
9 within the last 18 months.

10
11 Just to go back to the section 95 prisoners that you were
12 mentioning earlier, and you mentioned various tiers of
13 checks, and I think you were talking about the different
14 checklists that are required to be completed. Is that
15 correct?---That's correct.

16
17 In relation to the officers - what's otherwise known as the
18 officers' daily checklist - you said that there was
19 supervision by a senior officer in relation to that
20 checklist. Are you aware, what level of supervision is
21 provided by the senior officer in relation to the officers'
22 daily checklist?---So the senior officer would go through
23 with the supervising officer a range of checks around the
24 searching, drug and alcohol testing that should be
25 conducted, communications that are maintained by those
26 officers supervising the prisoners in the community,
27 monitoring their participation and activities, just to see
28 if there's anything unusual in their activities. So the -
29 some of it's through observation, and some of it would be
30 like witnessing records that have been maintained, and also
31 validating the responses from - from the supervising
32 officer.

33
34 Okay. So do you know whether in fact there is a senior
35 officer present when the officer completes that daily
36 checklist?---Not necessarily present. You know - so some
37 of those activities are occurring, or are conducted,
38 rather, by the officer in isolation. They are making a
39 commitment that they have conducted those activities, so
40 the senior officer's role is to, I guess, to challenge that
41 and confirm that the officer is making those declarations.

42
43 And how would they go about challenging those?---Through
44 questioning, perhaps through random observation. I would
45 expect that senior officers would not necessarily
46 100 per cent of the time be trusting the records maintained
47 by the officer and conduct their own independent checks and
48 validation. Certainly, for the superintendent checks and
49 the assistant commissioner checks, that is absolutely an
50 element of their checking, so they are looking at written

1 record keeping, and it's also personal observation by
2 themselves or by their delegate.

3
4 Now, refresher training has come up over this last week.
5 Can you detail any changes to the procedures and policies
6 around the requirement for refresher training to be
7 complied with at certain times of the year, or yearly, or
8 six monthly? Is there anything that would be imported into
9 the policies to address that?---There's no changes
10 presently. However, what we are doing, as the Commissioner
11 pointed out on Monday, is conducting a jurisdictional scan
12 across the country of what other jurisdictions do in this
13 space, because I think it's fair to say that we have
14 created quite a liability for mandatory annual refresher
15 training. As Mr Maines pointed out yesterday, the term
16 "training" I think has been hijacked in this form, and all
17 officers are trained in their job skills on entry. This is
18 about refreshing their knowledge and updating their
19 knowledge with change in practice as it evolves over time.
20 So - - -

21
22 **THE COMMISSIONER:** Continuing professional development?---
23 That's right, Commissioner. I think it's important to also
24 note that some officers working in some particular
25 environments would be drawing on these skills, these
26 foundation basic skills, routinely, and they would be very
27 well practised in those skills, but there are other
28 officers working in other environments that might not
29 regularly practise some of these skills, and I guess
30 specifically we could be talking about use of force. It
31 would be very rare for an officer working in a minimum
32 security facility to be required to use force, whereas an
33 officer that's working in the challenging environment of a
34 management unit in a maximum security male prison may,
35 unfortunately, need to use force more regularly. So you
36 would expect that their currency with that - the
37 application of those skills and that knowledge would be -
38 would be better. So that - I guess that's one element to
39 this - this mandatory refresher component, is making sure
40 that it's applicable to individual environments and
41 workplaces, and the roles of individual officers. I would
42 hope that that would be - it's certainly my expectation
43 that this - this process of review leads us to a position
44 where we can tailor this mandatory training, so we don't
45 have a - a bit like the searching policy we spoke about
46 earlier, one standard, one size fits all, across the
47 organisation. It's unachievable within the finite amount
48 of training time that we have. That said, there are
49 certainly high-risk areas that it's absolutely vital that
50 staff are regularly refreshed and practised in their job
51 skills. That might not necessarily always be through

1 practical activities. It might not be through online
2 activities. It may be through completion of a work book
3 supervised by another - a senior member of staff. There's
4 a number of - I guess different options that we can use to
5 ensure that our staff are competent in their job skills.

6
7 **PANTANO, MS:** Just on - sorry, continue?---I think we've
8 already received some feedback from a couple of
9 jurisdictions regarding their experience with mandatory
10 training, and it's fair to say that I think all
11 jurisdictions are grappling with this challenge. In fact,
12 both Victoria and New South Wales have advised that they're
13 currently reviewing all of their training and the need for
14 and requirements for refresher training for staff, so I
15 think this is a universal challenge facing all of us.

16
17 Is there a deadline for this jurisdictional scan?---At the
18 moment, there is certainly a deadline for the feedback from
19 - requested from the other jurisdictions. In terms of
20 that, you're reviewing the refresher training. That will
21 be - there isn't a deadline specifically, but part of my
22 priorities for the Corrective Services Academy is to
23 conduct a review of our professional development
24 holistically this year. I don't think it'd going to be an
25 immediate change shift in our practice. It will be more of
26 continual improvements, so are there opportunities to
27 adjust the expectations for routine refresher training,
28 changing some of those expectations, changing the delivery
29 methodology over time. The training for our staff
30 supervising prisoners in the community is one example where
31 we've developed an online program. It's very
32 user-friendly. I've done the training myself. It doesn't
33 take a lot of time. It means officers can complete that
34 training in a variety of scenarios and environments, so
35 there's that sort of methodology, and as I've said, there's
36 other ways we can explore the - the delivery of skills
37 maintenance.

38
39 So in the meantime then, what's the process, or what's the
40 procedure to be followed by officers in relation to their
41 ongoing training requirements or continued professional
42 development?---The expectation is that they're compliant
43 with the existing policy. I think all superintendents have
44 a role in assessing their specific risks relevant to their
45 site and prioritising resources according to their local
46 risks. And so if you looked at our current compliance with
47 mandatory training across all facilities, there certainly
48 would be areas of, you know, non-compliance. There are
49 areas where that non-compliance is a concern as it relates
50 to the particular risk profile of a prison, and there are
51 areas where, in the instance of perhaps Boronia facility,

1 which is a minimum security women's prison, it's perfectly
2 understandable that they would not be placing emphasis on
3 ensuring staff are refreshed in the use of batons.

4
5 Do you know what Corrective Services' stance is in relation
6 to officers who may not have completed the required
7 mandatory training, if they're operational, for example?---
8 At the moment, the - it's a conversation with the officer
9 about the requirement to maintain those skills. There is
10 no consequences, as was drawn out in questioning earlier
11 this week, for an officer who's not compliant. I think
12 that is an opportunity for the - for Corrective Services to
13 look at how we deal with that situation. It may be that
14 the officer who is non-compliant is redeployed. They're
15 not able to work in a particular environment until they
16 refresh their skills and can demonstrate that they are
17 proficient. That's work yet to be done, but it's an
18 opportunity I think for continued improvement.

19
20 Is that being considered specifically in the current
21 COPPS?---It's not part of the COPPS, it's part of our
22 training systems. Yeah, I guess that's the point, it's
23 part of our training systems, rather than borne out in a
24 policy position.

25
26 And are those then being reviewed currently?---They are
27 always being reviewed, so the Corrective Services Academy
28 is constantly looking for ways to improve the delivery of
29 training. I've mentioned the increased use of online
30 E-Learning programs. I think - that's my point, is that
31 it's more about evolution, rather than having a timeframe
32 to conduct this review, but the jurisdictional scan is the
33 first effort to benchmark against other jurisdictions and
34 identify immediately if there's an opportunity to adjust
35 our practice right now. Can we immediately - are we
36 refreshing people's skills and knowledge far too
37 frequently? Are these skills that are likely to degrade?

38
39 Okay. Since the publication of the Commission's reports,
40 is there - has there been any changes to the training
41 specifically related to the use of drugs, whether
42 prescription or recreational drugs?---The Commission's
43 reports identify that it was an opportunity to add
44 particular content in our training about the legality of
45 steroids and their effects on the body. Frankly speaking,
46 I would hope that everyone was patently aware of the
47 legality of steroids and the challenges that they might
48 present to a person's health, but we have been explicit in
49 the training now to make note of the illegality of steroids
50 and the harmful effects they may have on a person's body;

1 so that content has been changed, just to make it patently
2 clear the expectations of the department.

3
4 **THE COMMISSIONER:** Not so much the steroids - or it is
5 the steroids, the steroids may be taken by people who
6 frequent gyms, and others frequent gyms and in the
7 Commission's experience, it is a grooming opportunity, not
8 everybody is groomed. So the steroids are part of the
9 overall picture and, of course, if somebody offers you to
10 supply steroids that are illegal, it's not like it's
11 methamphetamine, and so you start down the track of being
12 indebted to someone and groomed. That's the real issue, I
13 think?---Understood, Commissioner, yes. And I think some
14 of those other initiatives that the department has
15 implemented regarding professional standards, the
16 corruption prevention education work to inform officers
17 about those - those potential risks, addresses - goes some
18 of the way to addressing those concerns. The ongoing
19 conduct of the staff drug and alcohol testing program, and
20 the evolution of that practice, will identify some of those
21 risks. You would be aware that we're expanding the staff
22 drug and alcohol testing through the changes to the
23 legislation this year to cover all people working in
24 prisons. As part of that change in the legislation, it's
25 intended that we'll - there'll be a range of complimentary
26 communications activities with staff, an opportunity to
27 reinforce these risks and the expectations of the
28 department around illegal drug use of all types.

29
30 Good.

31
32 **PANTANO, MS:** Just before we move off training, has there
33 been any change to the training modules in relation to
34 officers in management units?---There hasn't been any
35 changes. I know that the Commission recommended that we
36 consider providing specific training for officers working
37 in management units. However, we did conduct a detailed
38 review of the training those officers already receive, and
39 it was determined by the subject matter experts within
40 Corrective Services that the content was satisfactory.

41
42 And we've touched on use of force, but in relation to use
43 of force reporting, since the provocation of the
44 Commission's reports, what changes have been made to the
45 training around use of force reporting?---There's been
46 changes made to the foundation use of force training to
47 ensure that it's very, very clear to officers that they
48 need to produce accurate, factual and independent reports.
49 That content has also been updated on their annual
50 refresher programs so that it's - again, it's very clear
51 that officers are - are responsible for producing accurate

1 reports that have been prepared independently. But in
2 relation to use of force, there's been a lot of change in
3 that area since the production of the Commission's reports.
4 Not only in regard to training, so obviously we've
5 developed a new policy on the use of force, which provides
6 clearer direction about all of those expectations for the
7 application of force, when to use it, how to use it, how to
8 report. Perhaps the other point I just make about training
9 is it's not just about reporting, but also looking much
10 earlier at opportunities to de-escalate a situation so that
11 force doesn't have to be applied. So all of that training
12 that I've talked about has been further developed to talk
13 about de-escalation techniques and ways to diffuse
14 situations so that officers can perhaps use their judgment
15 such that they don't need to use force in the - that
16 instance. When it comes to using force, the - there has
17 been some changes made to the Total Offender Management
18 System to allow us to more accurately recognise use of
19 force incidents and categorise those incidents so we can
20 review them thoroughly. Further changes will be applied
21 through the implementation of the relevant cop. There's
22 been a review of the use of force review process, both
23 locally and through to the strategic level. So the Use of
24 Force Committee is chaired by the Director of Security and
25 response services. There's a multidisciplinary team from
26 across the agency, as we've already heard, including
27 membership from Professional Standards. That strategic
28 committee reviews certain categorisations of incidents. So
29 part of the improvements has been clearly categorising use
30 of force incidents as level 1, level 2 and level 3 with a
31 certain level of severity or consequence attached to each
32 of those incidents. So level 1 incidents typically would
33 be reviewed at the local level by the superintendent. If
34 there were concerns with regard to the use of force in a
35 level 1 incident, then that would be escalated to the
36 Strategic Use of Force Committee for review. All level 2
37 and level 3 incidents, which typically involve the actual
38 application of force, maybe not just drawing a particular
39 use of force option, like a baton, but actually striking,
40 using chemical agent, deploying a - a Taser or applying
41 non-lethal or lethal force from a firearm, all of those
42 incidents are reviewed by the Use of Force of Committee.
43 As I said, with wide range of staff from the organisation
44 there to - to conduct a thorough review of the incident.
45
46 And have there - are these committees - does this represent
47 a change since the publication of the Commission's
48 reports?---It does represent a change. The Use of Force
49 Committee had historically been in place but this - there
50 were changes to the - to the membership of that committee,
51 particularly, the inclusion of Professional Standards right

1 at that early stage, it allows any concerns about the
2 actions employed in the use of force situation to be
3 immediately referred to Professional Standards. There is
4 obviously some additional advice and subject matter
5 expertise that can be applied in that - that assessment
6 process to improve it. And it's also brought in some staff
7 from other areas of the organisation. There's training
8 staff, there - staff from the Monitoring and Compliance
9 Team to look at trends in the application of force across
10 the organisation, as well as some senior leadership staff
11 within the custodial operational space.

12
13 Following the review by the two committees, the
14 Commission's aware that recommendations are something being
15 made, what processes are in place to ensure that the sites
16 comply or address any recommendations that are made?---Were
17 it a matter of resulting from a - or rather, where a use of
18 force matter is referred back to a site, there's a - a
19 clearly documented referral. And the superintendent would
20 report back to the committee on the actions taken. And the
21 Use of Force Committee tracks all of those referrals,
22 maintains a use of force register so that there's complete
23 transparency about each use of force incident and the
24 actions taken as a result.

25
26 And just before we move on from use of force, just going
27 back to the reporting, you said that there are changes -
28 there will be changes - we've heard, rather, there will
29 changes the Total Offender Management System, otherwise
30 known as TOMS, to prevent officers from being able to view
31 or copy other officers' incident description reports. Now,
32 we're aware that those changes will be in the new cops, but
33 what about interim measures? What - what's been put in
34 place in the meantime regarding the separation of duties
35 and of the avoidance - or officers not being able to view
36 other officers' IDRs?---In the interim, I think the main
37 point is that the - all use of force incidents are
38 thoroughly reviewed. So there's some independent review.
39 It's - it's been made clear that all use of force incidents
40 must be independently reviewed by someone who wasn't
41 present locally before it even makes its way to the
42 superintendent. And that - that review process,
43 superintendent to the Use of Force Committee, transparency
44 about what sorts of incidents are likely to be of risk or
45 of concern and therefore need to be reviewed at the various
46 levels, the opportunity to interrogate those reports and
47 look for inconsistencies or where there may have been
48 collusion or - or copying. But as you say, the changes to
49 the TOMS system will occur in the next phase of the project
50 to make it not possible for officers to copy and paste
51 information.

1
2 And I just want to touch on a couple more - few topics
3 before we finish up for the day. Going back to section 95
4 prisoners, one of the Commission's recommendations was
5 around essential communications and the requirement for
6 those essential communications. Is that being considered
7 in the new - in any of the new COFs?---It is. Already,
8 controls have been put in place to ensure essential
9 communications maintained with officers supervising
10 prisoners in the community, so they must take mobile
11 phones, satellite phones, radios with them on those
12 activities and report regularly. When they're leaving
13 facilities, when they're arriving at their destination, any
14 changes to their intended movements. So those checks are
15 already in place. You would be aware that we have the
16 ability to track vehicles that have GPS tracking on-board.
17 All facilities have the ability to track those vehicles
18 that have a GPS system on-board. It's not just the
19 operations centre centrally that has that ability. So of
20 all of our sites, 50 per cent of them have staff that are
21 actively accessing that system (indistinct) process of
22 communicating with all sites to - to remind them and to
23 encourage that they access that system to track those
24 vehicles that have the ability to be tracked. Of course,
25 where there is an incident or a - a concern, a duress
26 alarm, for example, is activated by an officer on those
27 external activities or there's a high-risk prison movement
28 in the community, or a prisoner of note that's moving in
29 one of those GPS-tracked vehicles, the operation centre is
30 immediately alerted to that incident by that facility and
31 then they can actively centrally manage - rather, monitor
32 that movement of that vehicle as well.

33
34 Now, the Commissioner's aware that not all vehicles used
35 for section 95 activities have this GPS tracking. It's
36 only the new vehicles that have been acquired who have -
37 that have this technology. So what's been done to address
38 the misconduct risks still around those vehicles who don't
39 have the GPS tracking?---There's a point about the - the
40 expectations of those officers supervising those prisoners
41 in the community had been made very clear, had been
42 reinforced by the checklists. The expectation to maintain
43 communication, what they can and cannot do in regard to
44 movement in the community, changes to their activities, the
45 online e-learning package, which we rolled out by the end
46 of May - I beg your pardon, by the beginning of May, again
47 reinforces the expectations about - or for those - for
48 those officers about their movements and their supervision
49 of those prisoners. You're right, not all of the vehicles
50 presently have GPS-tracking. There are 12 vehicles used
51 for section 95 activities that are able to be tracked.

1 However, the department has also reviewed our minimum
2 standards for vehicles, for secure escort vehicles or,
3 rather, for - for vehicles and made it explicit that all
4 vehicles transporting prisoners will have GPS-tracking,
5 amongst some other facilities as well; mobile phone,
6 satellite telephone, radio facilities integrated within the
7 system - within the vehicle to allow active communication
8 and monitoring.

9
10 **THE COMMISSIONER:** I imagine that those sort of facilities
11 have been in place for some time in more regular prisoner
12 transport?---That's correct, Commissioner.

13
14 Such as - - -?---Absolutely.

15
16 - - - coming to and fro to courts?---All the high-risk
17 movements and certainly all of the central secure fleet has
18 all those facilities already in place.

19
20 So this is really rolling it out to all transport involving
21 prisoners?---That's right.

22
23 **PANTANO, MS:** Just before you move on from the section 95
24 activities, another of the Commission's recommendations
25 related to random searches being conducted on vehicles,
26 specifically after delivery runs had been undertaken. Can
27 you detail what's been done to address that?---The
28 requirement to search vehicles after delivery runs is
29 featured in the new policy. Vehicle searching expectations
30 have always been there and been clear. Sorry, I can't
31 recall whether it's explicit that all vehicles have to be -
32 historically have had to be searched after delivery runs
33 but that is an expectation moving forward. The checklists
34 again in those facilities that regularly conduct those
35 delivery runs between facilities, moving produce and the
36 like, contain the requirement for vehicle searching both
37 prior to the move and after.

38
39 And is it expected that the searches are to be conducted by
40 the officer who's been involved in that section 95
41 activity, or an independent person?---Sorry, I can't answer
42 that question. I'm not sure.

43
44 Okay. In your opinion, should it be an independent
45 person?---I don't think it's essential that it's an
46 independent person necessarily. I think it depends on the
47 availability of resources. I think there - there would
48 need to be some independent checking through perhaps other
49 mechanisms, so the random searching of those vehicles at
50 other times by other resources, whether within the prison
51 or external resources such as the Special Operations Group

1 or Drug Detection Unit. Some level of supervision from
2 local staff to conduct those random checks would be
3 important. I also think, again, the application of
4 resources is focused through the use of intelligence so
5 where there are concerns regarding risks, you know,
6 associated with those vehicle movements there may be
7 additional search activities conducted. But staff are
8 trained in the effective conduct of searches, particularly
9 vehicles, so those - those staff that are conducting those
10 searches know how to do it and, you know, at some point we
11 need to have confidence in our staff at the front line,
12 that they know how to do their job. But of course that's
13 why we have those other checks and balances in place. The
14 monitoring and compliance checking is one further example.
15

16 It's been acknowledged throughout this week and previously
17 that there has been previously a poor reporting culture
18 within the department in relation to misconduct and the
19 Commissioner said on Monday, Mr Hassall, that there is
20 messaging that's been sent out from the Deputy
21 Commissioners in relation to this issue. Can you go into a
22 little bit more detail about what's involved in that
23 messaging?---I think it's - for me it's about consistent
24 expectations. So the Commissioner and the Director General
25 have been absolutely clear about their expectations around
26 reporting misconduct and the low tolerance for - zero
27 tolerance for breaches of - of conduct and so my
28 communication with my team, I reinforce those messages. I
29 set that example, I think that's important. As much as I
30 possibly can I'm present in the workplace of my team so
31 that there's a - they can - they can see I guess the
32 standard expected. Whenever misconduct matters are brought
33 to my attention, I make sure that I'm extremely transparent
34 in the reporting of - of misconduct and provide that
35 feedback to staff so they're aware of how I personally
36 address those concerns. So I think it's about consistency
37 in the messaging, supporting the ongoing education that
38 Professional Standards will provide, demonstrating that
39 that training is of value and supported by leadership at
40 all levels I think's very important to change that culture.
41

42 We've touched on a lot of things today, Mr Elderfield. Is
43 there anything additional you wish to raise?---No, thank
44 you.

45
46 I have no further questions, sir.
47

48 **THE COMMISSIONER:** Thank you very much for your attendance
49 today, Mr Elderfield, and for your assistance. There is
50 that one document that you might make available afterwards

1 if you speak to Ms Pantano, and otherwise we'll adjourn
2 until 9.45 tomorrow morning.

3

4

(THE WITNESS WITHDREW)

5

6

AT 12.37 PM THE MATTER WAS ADJOURNED UNTIL

7

THURSDAY, 13 FEBRUARY 2020

**Certificate Made Under Section 50A of the
Evidence Act 1906**

The transcript of Richard Peter Elderfield heard on
Wednesday, 12 February 2020

was made in good faith and, subject to any qualification
referred to below, is correct, accurate and complete
transcription of the contents of the recording;

was produced from recordings that were suitable for
making an accurate and complete transcript except where
otherwise stated in the body of the transcript. Any
"indistinct" or "inaudible" or other notations
indicating difficulty with the transcription contained
within the transcript refers to those parts of the
proceedings that could not be accurately transcribed
due to speech clarity, recording quality or other
factors impacting word intelligibility.

Certified on this 12th day of February 2020 by: Glenda Judge
and Sheila Robbshaw

Full Name: Glenda Judge
 Sheila Robbshaw

Occupation: Transcriber and officer of the Commission under
the Corruption, Crime and Misconduct Act 2003 ss 182, 3 who
has taken an oath before the Commissioner.

Signature: (Glenda Judge) (Sheila Robbshaw) (Joshua
Stevenson)

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