

## **7. POLICE PRISON LIAISON OFFICE**

### **7.1 Assistance of the Police Department**

Early in the course of this Review I wrote to the Acting Commissioner of Police, Mr. Ron Redmond seeking the advice of his Department regarding the terms of reference for the Commission of Review. He was most courteous, helpful and co-operative, as were all his officers.

Following from this I have had detailed and ongoing discussions with officers from his force. I received a detailed briefing from the Australian Bureau of Criminal Intelligence and its equivalent in the Queensland Police Force. They have been providing me with essential information about the network of criminal activity in Australia as it relates to the management of prisons. They have pointed out the growing problem of access to drugs in the prison system.

I have received from the Police Department their submission. I must congratulate Inspector Ken Scanlon, Detective Sergeants Beakey and Barlow for their involvement in the preparation of this quite outstanding submission. Also, I would like to thank Superintendent O'Gorman who coordinated our discussions with the Police.

The Police Department has a major interest in ensuring the prisons are well managed. Their submission provides practical solutions to a host of problems facing the prison system. Issues covered in the Police submission include access to prisons, the need for rehabilitative programs and training for prison officers in evidential techniques.

Most of the issues covered require detailed consideration appropriate to the final report. However, the case presented in the Police submission for the establishment of a Police Prison Liaison Office is compelling and urgent. Such a unit would solve so many entrenched problems bedeviling the prison system that much of the rest of this interim report covers the case for its immediate establishment.

### **7.2 Need for a Prison Liaison Office**

One of the reasons I have said that prisons are such dreadful places is because of such obvious levels of tension and violence in the high security institutions. I do not think it would be proper for me to detail submissions in this regard nor to name those giving me information. But my staff with considerable experience in this area confirm the problem. In fact it is clear that a considerable level of criminal violence is occurring regularly in prisons.

Many prisoners' submissions make reference to feelings of helplessness in the face of actual and threatened violence by other prisoners. There is also the well documented problem of assaults on prison officers. Moreover, there are allegations of assaults on prisoners by officers.

There is no doubt in my mind that there are people within the system who are corrupt and who are escaping detection. These include prison officers involved in smuggling drugs and the officer who recently smuggled in a gun to a prisoner. There is a need to investigate visitors official and otherwise when a crime is alleged. The recent charging of a prison dentist for bringing contraband into the prison for sale to prisoners is an example of the kind of investigations required. The establishment of a Police Prison Liaison Office as argued in the Police submission would attend to a great many of the problems.

The recommendation is so eminently sensible that rather than attempt to rewrite the submission I have only briefly commented on the issues. The relevant sections of the submission are reproduced in full as appendix 2.

The difficulty at the moment is to satisfactorily investigate allegations to resolve matters and to bring perpetrators of illegal activity to some form of proper justice. Prisoners are extremely fearful of making allegations naming other prisoners. They prefer to seek protection and to be moved to other institutions. However, until real and effective ability exists to take proper action against law breakers inside prisons, this kind of behaviour will continue.

The submission also notes a tendency for complaints to be made against prison officers who are in fact diligent in their duties in the enforcement of basic discipline.

However, in the present system proper investigations of complaints, malicious or well founded are difficult. As the submission says: "... adverse behaviour is often alleged, seldom proven and never addressed in a proper forum". Allegations of criminal activity inside the prisons require a proper and timely investigation from specialists. In cases of malicious allegations, officers would be afforded much greater protection. The system would be seen to be much fairer and more effective if speedy and "jail wise" police investigations were available. At present prisoners know they can make allegations with relative impunity in the knowledge the media will give them prominent coverage and a percentage of society will believe them. Many prisoners are reluctant to make complaints as little appears to be done and few prosecutions take place. The careers and livelihoods of officers are jeopardised by accusations that often take months to resolve. The officer is demoralized and may become ineffective and subject to stress.

A specialist unit of the kind suggested by the Police Department could attend to a wide range of other police matters. It could:

- Monitor developments in the prisoner and criminal hierarchy particularly with reference to intelligence gathering;
- Centralise investigations and provide continuity and expertise in the monitoring of the problems and following them through;
- Address the need to provide satisfactory investigation of allegations of violence in prisons and provide some solution to the 'buddy system' of officers and the code of silence of prisoners which normally frustrates proper action;
- Provide an avenue for complaint against and investigation of seriously corrupt staff;
- Prevent the movement of contraband;
- Provide the liaison between the police system and the prison system.

I totally endorse the Police submission in this regard. There is a great need for ready access to the kind of professional expertise of the police close to the daily operations of prisons.

### **7.3 The Benefits of the Liaison Office**

The establishment of the Liaison Office would attend to some major efficiency and grievance issues. As indicated in the submission specialisation and ease of access would greatly facilitate investigations.

There is a broad and perhaps even more important issue at stake here. Prisoners have been sentenced to prison for breaking basic rules of society. Yet as things stand there is extraordinary difficulty in providing them with protection and access to due processes of law and order. I think a basic principle to be adopted is that prisoners remain citizens who should have the same fundamental rights to protection under the law. At the moment it is obvious the system cannot provide adequate protection. Crime within a prison is no less than a crime outside. Justice needs to be done and to be seen to be done, both inside and outside prison, if respect for the law is ever going to gain credence with offenders whom we are trying to rehabilitate.

Rather than fiddle with a system for investigating crimes in prison, we should facilitate access to the same processes of redress at law as other citizens. The police are the agency equipped in law and professionally trained to handle the problems. Their difficulty has been to provide a service under the present arrangements. The solution is to accept the Police Department proposal to place a police unit inside the system.

The benefits go further. It is increasingly obvious that an essential part of the checks and balances inside the prison system is to have the operations open to public scrutiny. I can think of no better check on the behaviour of the system and no better insurance that it operates within the law than to have an independent and highly professional group of trained police investigators ever present and ever vigilant inside the system.

I would see the force as operating out of the Comptroller-General's office, working closely with the senior administrators of the prison, responsible to the Commissioner for Police and providing reports to Parliament through the Commission for Corrective Services and the Commissioner for Police.

There is an additional and worthwhile benefit from the proposal. At present, senior prison officials and the Minister himself often become embroiled in allegations and their outcome. Really they should never reach this level. They should be routinely directed at the source of the complaint to the Prisons Liaison Office of the Police Department. Complaints or allegations of inadequate investigation could then be referred in the normal way to the Police Complaints Tribunal.

#### **7.4 Staffing the Office.**

The staffing suggested in the submission is:—

- One Detective Senior Sergeant
- One Detective Sergeant 1/C or 2/C
- Two Detective Senior Constables or Constables 1/C

This number of staff seems reasonable as the office would need to cover South Eastern Queensland on a full time basis and have some involvement with North Queensland. However, actual staffing and their ranks would be a matter for the Commissioner for Police.

A well developed job description is included as part of the Police Department submission.

#### **7.5 Other Resources Required**

Initially I thought it would be appropriate for this unit to be located at Brisbane Prison. I now concur with the Police Department's suggestion that an office be sited in the Prison Administration headquarters.

Other requirements would include two police vehicles, communications and computer linkages.

## 7.6 Funding

The annual cost of the unit was not included in the submission. My Secretariat has examined the details with Assistant Commissioner Terry McMahon. The estimates are shown below as Table 5.

TABLE 5  
OPERATING COSTS FOR POLICE PRISON LIAISON OFFICE

	\$
Salaries and Allowances:	
—4 police officers . . . . .	161,800
Motor Vehicles and Equipment . . . . .	50,700
Administration and Operating Costs . . . . .	42,400
	254,900

(Source: Police Department)

The Police submission sets out the options for budget allocation of the funds. These are:—

- Establishment of the office within existing budget of either the Prisons Department or the Police Department;
- A special allocation to the Prisons Department;
- A special allocation to the Police Department.

The last option is really the only one to be considered. The Prisons Department does not presently have any available resources and in any event it would not be appropriate to fund the unit from the Prisons Department. It is essential that the unit maintain its independence and be responsible to the Police Commissioner.

As the unit will be attending to an area currently lacking essential and effective coverage, it will need additional staff. Moreover, from my discussions with the Acting Commissioner for Police, I understand his support for this proposal is dependent upon the additional funding and positions being provided.

## 7.7 Secondment of Prison Staff

It would be necessary for at least two competent and promotable prison officers to be seconded to the liaison office. They could be found within the existing staff resources allocated to security duties.

## **RECOMMENDATION**

*It is recommended as a matter of urgency that the Government agree to the establishment and funding of a Police Prison Liaison Office (P.L.O.) as set out in this report.*