

DEPARTMENT OF CORRECTIVE SERVICES —  
COMPLIANCE WITH PRISONER TREATMENT GUIDELINES

**641. Mr F.A. ALBAN to the Minister for Corrective Services:**

As the minister would be well aware, recent events have highlighted the importance of clear disciplinary processes to ensure accountability in the misuse of authority by public officers. I am keen to know what measures the minister has taken to ensure that officers of the Department of Corrective Services comply with appropriate operational guidelines in the treatment of prisoners.

**Mr C.C. PORTER replied:**

I thank the member for this question. I would like to inform the house about an incident that occurred involving two prison officers and how that incident was dealt with. I want to do that in the spirit of being open about the incident. That incident occurred at Bandyup Women's Prison on 5 July 2010. The nature of the incident was not one that immediately put at risk or in any jeopardy the physical safety of a prisoner but when it was brought to my attention, I was frankly appalled by it and required that some action be taken. On 5 July 2010 two prison officers—a male officer and a female officer—were required to conduct a search of a female prisoner's cell. The female prisoner opted not to remain present, which was her right, but unbeknownst to the officers, she observed the search from a short distance away. The female prisoner saw the male prison officer take her toothbrush and wipe the inside of the toilet bowl before returning the brush to its holder on the shelf.

**Ms M.M. Quirk:** Charming!

**Mr C.C. PORTER:** Indeed. The female prisoner immediately confronted the officers after the incident. The female prisoner made a formal grievance to a senior officer at Bandyup. That officer called the two officers—the male and female prison officers—to his office. He questioned them both regarding the complaint. The male and female officers denied the complaint and also submitted reports recommending that the female prisoner be charged under section 59 of the Prisons Act 1981 with the making of a false or frivolous complaint. That matter was referred to Bandyup Women's Prison management for investigation; that is, the attempt to lodge a complaint against the female prisoner. During the course of that investigation certain things happened. Immediately, to Bandyup Women's Prison's credit, it informed the professional services division of the Department of Corrective Services, which is a large and well resourced part of the Department of Corrective Services. It conducted a fairly rigorous range of interviews. In a critical interview on 15 July this year the female prison officer made the admission that what the female prisoner had said happened actually did happen. At least in that respect, the female prison officer acted as something of a whistleblower and confessed to what had occurred.

When this matter was brought to my attention in August after the series of interviews had been completed—as I said, I was appalled at the situation—I immediately called for and received advice as to what role I could play in any of the proceedings that followed. That role was necessarily limited because of the employment circumstances, which are at the request and responsibility of the commissioner. I did two things. I ensured that the matter had been referred to both the police and the CCC because, of course, it involves an allegation of the making of a false complaint, which could potentially constitute misconduct. I also impressed upon the commissioner that I wanted the internal disciplinary proceedings done as quickly as could reasonably be possible in the circumstances. They have now been completed. The male officer has been dismissed from his position. The female officer has had another penalty placed against her and has a short period to respond as to whether she considers that penalty to be appropriate.

I wanted to bring this matter to the attention of the house once the male officer had gone through the process and been dismissed. From the perspective of a minister, I took this view that we must strive to look after both the physical care and the dignity of prisoners in our system. What this did was provide a direct affront to the dignity of the prisoner in the system. It ultimately accused that prisoner of lying as well as doing the initial act, which was an affront to the prisoner's dignity.

**Mr E.S. Ripper:** Do you think your actions are a model for your colleagues?

**Mr C.C. PORTER:** I think that I acted as quickly as I could. One of the interesting things about this situation is that a minister is in a very interesting position. I took a personal and firm view as to what should happen with respect to the disciplinary proceedings but I could play no substantive part in those proceedings whatsoever. I commend the commissioner for taking swift action and, with respect to the male prison officer, in my view, taking the right decision. This type of culture, if it exists in any organisation, has the capacity to be enormously corrosive. I say again that the matter has been substantively referred to the police and the CCC. The male prison officer has been dismissed, and rightly so.