



Justice
Corrective Services

Henry Deane Building
20 Lee Street, Sydney
GPO Box 31, Sydney NSW 2001
Tel 02 8346 1333 | Fax 02 8346 1010
www.correctiveservices.nsw.gov.au

CASE: 14-0227
TRIM: 15/1171
DOC: D16/083714

19 February 2016

Simon Graf
Correctional Officer
Lithgow Correctional Centre

Dear Mr Graf,

I refer to my letter to you dated 7 October 2015 in which I advised that I had formed the opinion that you engaged in misconduct as follows:

That on 19 February 2014 you:

Failed to use a video recorder to record the targeted intelligence based search of Cell 208 at Lithgow Correctional Centre, contrary to the requirements of section 13.7 of the Custodial Corrections Operations Procedures Manual, Using Force on Inmates.

and:

Made a false report on the Incident Reporting Module relating to the targeted intelligence based search of Cell 208 at Lithgow Correctional Centre on 19 February 2014, contrary to the requirements of section 13.1 of the Custodial Corrections Operations Procedures Manual, Serious Incident Reporting.

I also advised you that in relation to this matter the severest penalty I would conceivably impose is a fine of \$500. I have now received and considered your response dated 29 October 2015.

With respect to the allegation that you failed to use a video recorder, I consider the following sections of the Custodial Corrections Operations Procedures Manual to apply:

13.7 at 2.4 Video-recording potential and actual uses of force: When the use of force is planned, or when there is a high potential for conflict, a video camera must be brought to the scene.

13.9 Recording & Managing Video Evidence: This policy applies whenever there is incident or likely event that may later require investigation.

I note that on 19 February 2014 you were conducting a targeted cell search performed on the basis of intelligence that the inmate was in possession of a large quantity of the drug suboxone. I consider this a situation with a high potential for conflict, and a likely event that may later require investigation.

With respect to the allegation that you made a false report on the Incident Reporting Manual (IRM) I accept that you did not complete the IRM, but I consider that your Incident/Witness Report submitted as part of the "Use of Force" reporting requirements was brief and lacking in detail, and contained no information to explain how the inmate received the injuries that were reported as the consequence of a "use of force". This lack of appropriate reporting necessitated investigation into the matter, which could have been avoided had your and the other IAT officers' reporting been in compliance with 13.1 of the Custodial Corrections Operations Procedures Manual, Serious Incident Reporting.

I have made a final decision with respect to misconduct action pursuant to section 69(4) of the *Government Sector Employment Act 2013*. The misconduct action is:

A fine of \$500.

This amount will be deducted from your pay in the pay period ending 10 March 2016. If you wish to pay the fine in instalments, please contact Payroll to negotiate a reasonable payment per fortnight.

Any enquiries in relation to the misconduct process should be referred to the Professional Standards Branch on [REDACTED]

Should you require support in relation to this matter, you are encouraged to contact the Employee Assistance Program on [REDACTED]

Yours sincerely



Kevin Corcoran
Assistant Commissioner
Custodial Corrections