



Lithgow Correctional Centre
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29th October 2015

Mr Kevin Corcoran.
Assistant Commissioner.
Custodial Corrections.

Subject: IIS CASE NUMBER 14/0227 Simon Graf.

Sir,

I write this letter in response to the outcomes of an investigation that was conducted into an alleged incident that occurred on the 19th of February 2014 at Lithgow correctional centre.

In regard to my conduct, the investigation concluded that I made a false report via the incident reporting module and secondly that I operated outside departmental policy by failing to commence video recording of the incident in question.

In response to the first alleged misconduct of falsifying a report on the incident reporting module (IRM) I would like to state that I did not complete the incident reporting module regarding this incident and neither was I present at the time that it was.

As not to rely solely on my word I would like to bring to your attention the following factual information that contradicts the investigations findings and supports my claim. On page 21, paragraph 59 of the investigation findings it is clearly stated by the investigators that the incident reporting module in question was completed by SCO T. Walker who was the senior of the immediate action team on the 19th of February 2014 and not by myself, Officer Simon Graf.

With this in mind, the investigators have therefore substantiated the allegations of me falsifying an incident reporting module on the basis of an assumption that I knew what a fellow officer had detailed in his report (paragraph 61), that my name was present on the IRM (paragraph 60), that the incident summary contained information that my report did not (paragraph 60) and that the author of the IRM designated staff involvement in general terms and by their title, i.e. "The IAT" as opposed to specific individuals i.e. Officer Simon Graf (paragraph 60).

Sir, in accordance with departmental policy my only reporting contribution was in the form of an incident/witness report form. I submitted an incident/witness report form detailing truthfully my actions and observations during the cell search of cell 208 on the 19th of February 2014.

My report would have no doubt played a part in formulating an accurate account of the incident that occurred on that day but only to the extent that it is one of many forms and reports that is gathered in the process of completing an IRM. It makes sense that my report has some details that the IRM does not and vice versa. The departments procedural requirements post "use of force" are comprehensive and multi faceted. Operating as a team these duties are often delegated. As a result I only report on the

activities that I participated in. It is my understanding that the IRM on the other hand is an overview of the entire incident. As for my name being listed on the IRM, I believe this to be correct as I was an involved party.

In conclusion sir, I am unable to report what I did not do and I do not think that I should be held accountable for other peoples standard of report writing.

On the allegation that Failed to use a video recorder as per Operations Procedures Manual (OPM).

I cannot deny the fact that I did not use a video camera, only that I did not believe it was necessary due to the fact the inmates were totally compliant.

On the day in question I cannot recall if I was in position of the video camera, On this day I was the junior member of the Immediate Action Team (IAT). At no time was I directed to start a video camera.

The inmates were not aggressive in any way and there was absolutely no indication a "use of force" was going to take place. If there was any indication that a use or force was even remotely possible I would have retrieved the video camera and started it straight away.

IAT at Lithgow CC have always started a video camera as soon as an item of contraband was located, it was left in "situ", the video is started and the inmate brought into the cell. The inmate will be questioned and the contraband is sealed into an evidence bag in front of the inmate and on camera.

This local procedure has been changed and now the video camera is started prior to attending a cell.

SECTION 13.9 OPM.

"This policy applies whenever there is an incident or likely event that later may require an investigation. This includes (but not limited to) video recordings of uses of force, potential uses of force, assaults, deaths in custody, escapes, fights, fires, industrial accidents and suspected drug trafficking"

The requirements in section 13.9 of the OPM are I believed be a very "grey" area and open to interpretation, even the investigator Mr Glasheen spoke with me after the interview as to the large "grey" area surrounding this section and even he believe this section needs to be looked at. The section 13.9 does not specifically state that a camera need to be used for a cell search, I can only assure you that local procedure has been changed and all cell searches are videoed upon entering the cell.

I feel that the substantiation of allegations against me on the basis of the aforementioned points is unfair and lacking considering the implications this record may have on me professionally. I am upset that my integrity is being called into question on the basis of these points also. I will fight these allegations as far as I have to clear my name.

Thank you for taking the time to read my submission and look forward to hearing your decision.

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Simon Graf
Senior Correctional Officer
Lithgow Correctional Centre