

INDEPENDENT COMMISSION AGAINST CORRUPTION

RECORD OF INTERVIEW BETWEEN SENIOR INVESTIGATOR PAUL GRAINGER
AND PHILLIP TURTON AT [REDACTED] ON 20 JULY 2017

5

TIME: 09:17
PRESENT: PAUL GRAINGER
TIM FOX
PHIL TURTON

10

GRAINGER: This is a recorded interview between Paul Grainger and Mr Phil Turton. The date is the 20th of July 2017. The time is now 9:17am. We're at [REDACTED]. For the pur, purpose of voice identification, I'll just ask everyone to state their full name, starting with you Phil.

15

TURTON: Yeah, Phillip Ian Turton.

GRAINGER: And how's your surname spelled Phil?

TURTON: [Spells] T-U-R-T-O-N.

GRAINGER: Tim?

FOX: Tim Fox from ICAC.

20

GRAINGER: Phil are you happy to have this interview recorded today?

TURTON: Yes.

GRAINGER: Now just to adopt a few things I said prior to us commencing, this is a voluntary process. You're not being compelled to answer any questions at this point in time. Do you understand that?

25

TURTON: Yes.

GRAINGER: The interview will form part of the Commission's investigation and it may be used as, as the Commission determines.

TURTON: Yes.

30

GRAINGER: Under the ICAC Act it's a criminal offence to wilfully make a false or misleading statement to an officer of the Commission performing their functions under the Act. Just so there's no mis, misunderstanding, both Tim and I are Commission officers -

- TURTON: Hmm.
- GRAINGER: - and the interview's being conducted as part of our functions under the ICAC Act.
- TURTON: Yeah, I understand yeah.
- 5 GRAINGER: Okay. So anything you need to, you to tell us needs to be true and correct to the best of your knowledge and belief.
- TURTON: Okay.
- GRAINGER: Do you understand that?
- TURTON: Yep.
- 10 GRAINGER: Okay. Now so you understand what we're looking at, the Commission is undertaking an investigation into allegations the since February 2014 Corrective Services New South Wales' employees have dishonestly exercised their official functions in relation to the alleged assault of an inmate, [REDACTED] [REDACTED]. The recovery of proscribed, restricted or prohibited
- 15 sub, substances from his cell, the fabrication of documentation and any related investigations, that is the scope.
- TURTON: Yeah.
- GRAINGER: Do you understand that?
- TURTON: Yep I do.
- 20 GRAINGER: Okay. Just again your full name please Phil?
- TURTON: Phillip Ian Turton.
- GRAINGER: Your date of birth?
- TURTON: [REDACTED] [REDACTED].
- GRAINGER: And you're currently employed by Corrective Services New South Wales?
- 25 TURTON: Correct.
- GRAINGER: What position do you hold there?
- TURTON: Senior Assistant Superintendent at Lithgow.
- GRAINGER: Okay. That's - now how long have you held that position for?

TURTON: Approximately three and a half to four years at Lithgow.

GRAINGER: Just give me a brief overview of your time in Corrective Services.

TURTON: Okay I joined in March 2000.

GRAINGER: Yep.

5 TURTON: I've worked at around 15 correctional centres. I arrived at Lithgow not long before the matter that you're looking at, so it was early 2014 I believe.

GRAINGER: Yep.

10 TURTON: I came from Oberon Correctional Centre. Yeah I'm a commissioned officer and I have been for about oh, 11 years from memory, about 11 years. I've held my current rank for about seven years so did, do you need to know where I've worked or?

GRAINGER: No, that's –

TURTON: No?

15 GRAINGER: [REDACTED]

TURTON: [REDACTED]

20 GRAINGER: [REDACTED].

TURTON: [REDACTED].

GRAINGER: [REDACTED]

25 TURTON: [REDACTED]

GRAINGER: [REDACTED]

TURTON: [REDACTED]

GRAINGER:

[REDACTED]

TURTON:

[REDACTED].

5 GRAINGER:

[REDACTED]

TURTON:

[REDACTED]

GRAINGER:

[REDACTED]

10 TURTON:

[REDACTED].

GRAINGER:

Okay, thanks. Getting to the nuts and bolts, I'll just run through some names to you and if you could tell me who they are, the positions they hold –

TURTON:

Sure.

15 GRAINGER:

- now –

TURTON:

Yeah.

GRAINGER:

- and back in 2014 –

TURTON:

Back in –

GRAINGER:

- to the best of your memory. John O'Shea?

20 TURTON:

He is a Governor at the, back in 2014 he was the General Manager of Lithgow Correctional Centre. He's now at Mid-North Coast Correctional Centre as the Governor.

GRAINGER:

And that's at Kempsey is it?

TURTON:

Yes.

25 GRAINGER:

(Unintelligible).

TURTON:

Yeah.

GRAINGER:

Okay. Brad Peebles?

- TURTON: At the time Brad was the Manager of Security at Lithgow Correctional Centre. He's now the Governor of Wellington Correctional Centre.
- GRAINGER: Brian McMurtrie?
- 5 TURTON: At the time Brian McMurtrie was an Assistant Superintendent. He was the Intelligence Manager at Lithgow. He's now a Senior Correctional Officer at Kirkconnell Correctional Centre on suspension.
- GRAINGER: So he's been de, demoted has -
- TURTON: He's been demoted.
- GRAINGER: So out of commission officer rank to non-commission officer?
- 10 TURTON: Yes correct. That's for internal disciplinary stuff.
- GRAINGER: Okay. Terry Walker, who goes by the name of Tex?
- TURTON: At the time and, and still currently he's a Senior Correctional Officer at Lithgow Correctional Centre.
- GRAINGER: Is he still working?
- 15 TURTON: Yes, yeah.
- GRAINGER: Wesley Duffy?
- TURTON: Again at the time and, and still currently, Senior Correctional Officer at Lithgow.
- GRAINGER: Elliot Duncan?
- 20 TURTON: Elliot Duncan was a First Class Correctional Officer, and where was he then? With – at Lithgow Correctional Centre. He's since resigned about three months ago.
- GRAINGER: Okay.
- 25 TURTON: Actually he did go to Security Operations Group in between there at some stage but –
- GRAINGER: Okay.
- TURTON: - I don't know what year.
- GRAINGER: Simon Graf?

TURTON: Simon Graf's – at the time oh, I think he was First Class Correctional Officer at Lithgow. He's now a Senior Correctional Officer at Lithgow.

GRAINGER: Okay. Now the day in question is the 19th of February 2014 -

TURTON: Yes.

5 GRAINGER: - and it relates to an inmate, [REDACTED] whose MIN number is [REDACTED]

TURTON: Yeah.

GRAINGER: Okay, so just broadly I'll start out with what do you recall happened on that day –

TURTON: Alright.

10 GRAINGER: - from your perspective?

TURTON: On that day there was an institutional lockdown, I think it was a search day. So that meant the Centre's locked down. We had Security Operations Group, the SOG, in to provide support to do searches. I was walking with a female, she's a Senior Correctional Officer, Jane Lohse, that's [spells] L-O-H-S-E. We were walking through 5.2 Unit day room where that inmate's cell was and Jane and I saw John O'Shea with Brad Peebles from memory and I think Steve Taylor. He was the Acting Manager of Security. I think he was in that room as well.

20 John O'Shea was having a, a big verbal altercation through the cell door with [REDACTED] and his cellmate. I forget his name, Campbell or something like that, or Corrigan, it started with 'C'. And Jane told me that [REDACTED] had been abusing staff over the cell alarm system. That's where, they use, for emergencies they press the button if they've got medical, needing medical attention. So John O'Shea went down there to –
25 well, to abuse him for abusing staff so.

30 What I heard was John O'Shea saying "You're a smart cunt. You won't be too smart in a minute" and then he got Steve Taylor from memory to radio for the IAT, which is our response team, to come to that cell. So I looked at Jane and said "It's about time that we left" because I know John O'Shea's MO in regards to these things and I just didn't want to see it. So Jane and I left that area and went upstairs to my office, I was sector manager which is upstairs above where those cells are.

Probably about 20 minutes, half an hour later, Brad Peebles – now just to explain to you, Brad Peebles was there. He was -

GRAINGER: It would probably help if you explain the role of each of these people -

TURTON: Sure.

5 GRAINGER: - from the top.

TURTON: John O'Shea was the General Manager.

GRAINGER: Yep.

10 TURTON: Brad Peebles was the Manager of Security, but he was on detached duty for some purpose. I think it was something to do with the structure day routine and Steve Taylor was acting in Brad Peebles' position as the Acting Manager of Security. So Steve Taylor's a Senior Assistant Superintendent like myself. So Brad was there but he wasn't on line, he was off line doing something else, but he was physically there with John O'Shea and Steve Taylor.

15 GRAINGER: When you say 'off line', was he working in the prison?

TURTON: He was working in the prison but on some project.

GRAINGER: Okay, yep.

20 TURTON: Yes. So after we went upstairs, about 20 minutes, 30 minutes later Brad Peebles called me in my office and said "You need to go downstairs and interview [REDACTED] [REDACTED] He said "I want a Senior Executive Officer at your rank to go down and interview him and do the injury questionnaire", which is a standard form we do after an assault or a use of force or an inmate hurts himself playing soccer. It's just the standard questions we ask. He wanted me to do that so I said okay.

25 So I took my off-sider for the day, which was Michael Bowman, he's an Assistant Superintendent. He was my AS for the day. I took him with me to interview [REDACTED] [REDACTED] so there were two of us in the room while, while I went through those questions. [REDACTED] [REDACTED] didn't say anything really, he just said it was a use of force. From memory he, from memory he said he had no injuries at the time or he had sore ribs or something like that. He signed the form and then I got him over to the clinic, which is standard
30 procedure as well after any incident, you've got to get over to the clinic.

5 So he – I had him escorted over there and the clinic then called me. I
can't remember who, who it was. An officer in the clinic called me and
said "You have to come over 'cause he has to go out to hospital". Sorry I
have to backtrack. In between then I call – I went back upstairs and I
called Brad Peebles and told him that I'd done that paperwork and that I
would now do the IRM, which is the Incident Reporting Module. It's a
computerised reporting thing we have for any, any incident occurs,
anything at all they've all got categories and you just pick it. So this
10 particular one I thought was gonna be a use of force IRM because that's
what happened, they were going in and the inmate's injured. Brad Peebles
said "No there was no use of force, there will be no IRM", which
immediately got my alarm bells going.

15 I said "So you're sure about that Brad?" and he's gone "Absolutely
there'll be no IRM", which means it's not reported. So I said "Fine". I
then went over to the clinic after they called me and the nurse told me he
had suspected broken ribs and had to go to hospital. So I rang Brad from
the clinic, from the nurse's meal room in the clinic and I said "Brad, about
that IRM, we're gonna have to do one". That's where he got really
abusive and said "You're not fucking doing one, I told ya. Shut your
20 mouth", all that kind of stuff, just yelling abuse. And I said "Well that's
fine Brad but he's going to hospital with broken ribs". So he went "Oh
fuck", he's gone "Right I'm directing you not to do the IRM. Terry
Walker, Tex Walker will be doing the IRM". I said "That's fine with me,
no problem".

25 So sorted out the hospital escort, went back up to my office and that was
pretty much the end of my involvement for that day.

GRAINGER: Right well we'll just deal with this day.

TURTON: Yeah, then it was pretty much it.

30 GRAINGER: So just backtracking through that, you're, you're walking through the, the
area with Jane Ho –

TURTON: Jane Lohse.

GRAINGER: - Lohse.

TURTON: Yep.

GRAINGER: Is Jane still a Correctional Officer?

- TURTON: Yes she is.
- GRAINGER: Still Lithgow?
- TURTON: Still Lithgow yep.
- GRAINGER: Okay. And you said you saw John O'Shea at the cell?
- 5 TURTON: At the cell door.
- GRAINGER: Was he by himself?
- TURTON: No, well he was – yes he was at the little cell window, but Brad Peebles was probably three metres away standing behind him -
- GRAINGER: Yep.
- 10 TURTON: - and as was Steve Taylor, from memory Steve Taylor was there. There were the three of them but John was the only one at the actual cell door.
- GRAINGER: Okay.
- TURTON: He was looking through the little window.
- GRAINGER: So there's three people you - are they the three most senior prison, people
15 in the prison?
- TURTON: Yes.
- GRAINGER: Is that something unusual for them to be –
- TURTON: Yes. Especially on a lockdown day, I've never really seen the Governor in the jail like that -
- 20 GRAINGER: Okay.
- TURTON: - so.
- GRAINGER: You saw – and you said you saw O'Shea screaming in the door. Now normally – and forgive us for our lack –
- TURTON: Hmm, of course.
- 25 GRAINGER: - knowledge of the processes in Corrective Services, your role was Sector Manager?
- TURTON: Sector Manager, correct.

- GRAINGER: So is your role overarching management of that whole area?
- TURTON: Yes, managing all the staff and all the inmates in that area.
- GRAINGER: So is your role, if there was something going to happen in that area, that you're normally informed –
- 5 TURTON: Absolutely.
- GRAINGER: - that something's going to happen?
- TURTON: I'd be the first point of call for management yeah.
- GRAINGER: So did that occur on this day?
- TURTON: No.
- 10 GRAINGER: No, so just refresh my memory of what you said, you heard O'Shea, you directly heard O'Shea saying –
- TURTON: I directly heard O'Shea saying "You want to be a smart cunt, you won't be smart in a minute". And then I'm very, very confident that Steve, he, he instructed Steve Taylor to radio for the IAT, the Immediate Action Team
- 15 to attend 5.2 Unit. There was then a radio call and, and everyone talks about this still, but I remember it was quite a frantic radio call. "IAT get to 5.2 immediately". Like it was almost as if we needed assistance, that's the kind of urgency in the radio call. So they ran down -
- GRAINGER: So what, what before you go, sorry –
- 20 TURTON: Yeah.
- GRAINGER: - what are IAT usually used for?
- TURTON: Responding to emergency situations, staff assaults, inmate assaults, riots, disturbances. It's like a SWAT team within the jail, so that's what they're used for. So it would've been appropriate to call them if there was an
- 25 emergency, but not for an inmate locked in a cell -
- GRAINGER: Okay so –
- TURTON: - not, not hurting anyone.
- GRAINGER: What would normally happen? If you call an IAT what would be the normal process to occur for that to happen? Is it something that anyone
- 30 can do?

- TURTON: Yeah absolutely, anyone. We all wear personal duress alarms.
- GRAINGER: Yep.
- TURTON: So you'd either press your duress alarm if you were being threatened by an inmate or there was an inmate self-harming or two inmates fighting.
5 You'd either radio for IAT to respond to your location or you'd hit your duress alarm. So that's, that's the normal procedure so.
- GRAINGER: Okay.
- TURTON: Yeah, but for that inmate locked in that cell, your average prison officer would just ignore the abuse that you're getting, just walk away, that's what, that's what we do. He's not threatening anyone, he's just being abusive and he can't physically get to anyone 'cause he's locked behind two doors so.
10
- GRAINGER: How would you describe [REDACTED] [REDACTED] Was he a, on a scale of prisoner behaviour of one to ten, 10 being the worst, how, how –
- 15 TURTON: Oh –
- GRAINGER: - would you describe him?
- TURTON: - very low, about three. He's no problem.
- GRAINGER: Okay.
- TURTON: His cellmate was more problematic than him.
- 20 GRAINGER: Is his cellmate still at Lith, Lithgow -
- TURTON: No.
- GRAINGER: - or is he someone else now?
- TURTON: No, I don't know where he's gone now, no. He might even be out of custody, I don't know.
- 25 GRAINGER: So we've got O'Shea screaming, in a flap, and her turns to speak to Peebles.
- TURTON: To Steve Taylor –
- GRAINGER: Steve Taylor.
- TURTON: - I think it was, yep.

- GRAINGER: Sorry, what's Steve Taylor's position?
- TURTON: Acting Manager of Security.
- GRAINGER: Okay so what's the MoS role, what does he actually do in the prison?
- 5 TURTON: Manager of Security is the – he basically runs the Centre. The Governor's more of an administrative type position now. Of course overall responsibility, but the Manager of Security runs the rostering, everything to do with security, intel. He manages the IAT, he's in charge of them. Everything, everything, the nuts and bolts, the daily runnings of the centre is the Manager of Security.
- 10 GRAINGER: The admin type roles is it?
- TURTON: Yeah, everything so.
- GRAINGER: Alright. And what was Peebles' role?
- TURTON: He wa – he is the substan, he was the substantive Manager of Security but on that day he was off line doing some project.
- 15 GRAINGER: So he's got both there?
- TURTON: Both.
- GRAINGER: Substantive and the person acting in his role -
- TURTON: Yep.
- GRAINGER: - and the Governor?
- 20 TURTON: Yep.
- GRAINGER: Okay. Now you said there was a radio call.
- TURTON: Yes.
- GRAINGER: Are radio calls recorded at all?
- TURTON: No.
- 25 GRAINGER: Okay. So radio call occurred, then IAT arrived.
- TURTON: IAT arrived and also with them was – now from memory there was Elliot Duncan, Tex Walker, Wes Duffy, Cameron Watson was another officer that turned up. I don't, I don't think he was IAT on the day, he just turned

- 5 up to assist. And Mick Watson, he's the dog handler. He was there with his german shepherd. He, he responded as well. Because they all thought there was something very serious going on so you had about five people all up. Oh and Simon Graf, Simon Graf responded as well. He was on the IAT that day.
- GRAINGER: Now you, you said before that after you, you'd seen O'Shea yelling and screaming into the cell door –
- TURTON: Yeah.
- GRAINGER: - you said to your off-sider basically get –
- 10 TURTON: We're out of here, yep.
- GRAINGER: So where did you go then? Up to your office?
- TURTON: Up to my office.
- GRAINGER: Could you see what was going on downstairs?
- TURTON: No, no.
- 15 GRAINGER: Okay. So –
- TURTON: We could hear yelling, you could hear a muffled yell from my office, you can hear a lot of commotion –
- GRAINGER: Alright.
- TURTON: - which is quite normal.
- 20 GRAINGER: Would you describe it as normal or abnormal that the, the Governor of the prison is calling IAT to –
- TURTON: Abnormal, very abnormal.
- GRAINGER: Yeah –
- TURTON: But that is John O'Shea so.
- 25 GRAINGER: Okay. So you got a – after this you got a call from Brad, from Brad –
- TURTON: From Brad Peebles.
- GRAINGER: How long after the event was that?

- TURTON: Twenty to thirty minutes.
- GRAINGER: Had you, had you been told anything between –
- TURTON: No.
- GRAINGER: - that period?
- 5 TURTON: Nothing.
- GRAINGER: And Peebles wanted you to do –
- TURTON: The injury questionnaire –
- GRAINGER: Yeah?
- TURTON: - on [REDACTED] [REDACTED]
- 10 GRAINGER: Is that a normal thing to do?
- TURTON: No I wouldn't, my rank would not do that.
- GRAINGER: Who would do that normally?
- TURTON: A wing officer.
- GRAINGER: Okay.
- 15 TURTON: Even the lowest rank in the jail would do that.
- GRAINGER: Okay.
- TURTON: Yeah.
- GRAINGER: And you're – you said Peebles called you but he wasn't the MoS at present.
- 20 TURTON: That's correct.
- GRAINGER: Taylor was.
- TURTON: That's correct.
- GRAINGER: That was unusual was it?
- TURTON: Yes very. I never heard from Steve all day.

- GRAINGER: Okay. Now you said you agreed to do that and you took someone with you.
- TURTON: Yep, Michael –
- GRAINGER: Who was that?
- 5 TURTON: Michael Bowman.
- GRAINGER: Okay. And why was that?
- TURTON: He was my Assistant Superintendent. I, I don't, I don't know why. I just said come down with me. Maybe my radar was up or something, I don't know.
- 10 GRAINGER: Would it be normal for you to take someone with you –
- TURTON: No.
- GRAINGER: - to do this?
- TURTON: No. I guess I felt it was very unusual for me to be doing it in the first place. I haven't done one of those in years. It's not my rank so I don't know. I, I'm not saying it was because I was suspicious but maybe it was, I don't know. I just took Michael with me.
- 15 GRAINGER: Okay. You took Michael with you and then you said you, you got a call from Peebles again about the IRM.
- TURTON: Yeah I went – I called Brad –
- 20 GRAINGER: Yeah.
- TURTON: - I called Brad Peebles from, I went back up to my office after that form was done. I said I'd completed that task and now I was gonna go do the IRM for the use of force. Again standard procedure. It would've been unusual for me again to do that IRM. I guess because I was doing that paperwork, it sort of all goes together. Whoever, it's like the whole package.
- 25 GRAINGER: Yeah.
- TURTON: If you do one you do the lot so I just said – I rang up and said "I'm gonna do the use of force IRM" and he said "There was no use of force", his exact words "There was no use of force. There will be no IRM", that's exactly what he said to me.
- 30

- GRAINGER: So when you spoke to [REDACTED] and you said he didn't tell you much, what did he actually say to you?
- 5 TURTON: From memory he just – the standard questions like who do you hold responsible for your injuries and I think he said “me”. Do you want to make any complaints blah, blah and I said what, there's a question more or less how did you get injured and I think he said the squad used force on me. I think that's all he said from memory. I haven't seen that form since then either so.
- GRAINGER: Okay.
- 10 TURTON: Yeah.
- GRAINGER: Did he have any facial injuries?
- TURTON: No.
- GRAINGER: Just ribs was it?
- TURTON: Just ribs yeah.
- 15 GRAINGER: Okay, no bruising or swelling to the face at all, anything like that?
- TURTON: Not from memory no.
- GRAINGER: Um –
- TURTON: I'm not looking for that. That's why we take him to the clinic. Straight after so.
- 20 GRAINGER: Right so –
- TURTON: Yeah.
- GRAINGER: - so I've got the sequence right, you've done – where do you do the form? Is it in his cell with him or do you bring –
- TURTON: No, no.
- 25 GRAINGER: - him out.
- TURTON: We brought him out to the interview room in 5.2 Unit and we sat down in the interview room, me and Michael and [REDACTED] [REDACTED]
- GRAINGER: Did you speak to his cellmate at all?

- TURTON: No.
- GRAINGER: Would that be a normal thing to do?
- TURTON: Yeah, yeah if, if it doesn't involve the cellmate then you wouldn't speak to him.
- 5 GRAINGER: Okay.
- TURTON: Unless you needed, unless you didn't know what had occurred. Like a (unintelligible) could've been found unconscious you'd speak to the cellmate.
- 10 GRAINGER: You've taken him out to the interview room, you completed the questionnaire. He, did he then go back to his cell?
- TURTON: No he went back, over to the clinic.
- GRAINGER: Over to the clinic.
- TURTON: Yeah.
- GRAINGER: Did – who took him to the clinic?
- 15 TURTON: Oh it would've been, it would've either been the IAT or just a normal officer, like yeah it would've been – I just arranged for him to be escorted over.
- GRAINGER: Okay. Now just before, go back a few steps, I asked you who arrived and you gave me a list of names, the IAT –
- 20 TURTON: Sure.
- GRAINGER: - and dog handler. How did you know that they had turned up?
- TURTON: After I went down to the interview they were all there.
- GRAINGER: Okay.
- 25 TURTON: So again here, you're probably right, I didn't actually see them at the cell door or anything but when I went down to interview [REDACTED] [REDACTED] they were all there.
- GRAINGER: Okay.
- TURTON: So that's why –

- GRAINGER: After the fact –
- TURTON: After the fact yeah, they were all there.
- GRAINGER: [REDACTED] gone to the clinic.
- TURTON: Yes.
- 5 GRAINGER: And did you stay – did you go to the clinic yourself?
- TURTON: No, no.
- GRAINGER: And how did you get to speak to the, to the NUM. How did you know what happened?
- 10 TURTON: An officer from the clinic either radioed or called me and said could you come over, which, which again is standard. If an inmate has to be taken out to hospital I would go over to see what's going on and interview them and speak to the nurse. So I was asked to attend the clinic. I did, I walked over, spoke to a nurse, I can't remember who, and they said "Oh look he's got to go out to hospital. We think he's got broken ribs. He's
- 15 complaining of pain around the, the rib area" so.
- GRAINGER: Okay, so if, if following on from what's occurred, if, if a prisoner has to be transported to hospital is there a procedure that has to take place?
- TURTON: Yeah definitely yeah.
- GRAINGER: Okay.
- 20 TURTON: You need a section 24 order, which I would, I would – again I wouldn't personally do it. I'd just delegate that task in, it's just a computerised thing. It automatically generates all the details. It's registered. The Manager of Security would have to sign it so it would've been Steve Taylor, or should've been Steve Taylor or, if not, Brad. There's a risk
- 25 assessment done before they go out just to see if there's any security concerns and then I would organise the, the staff to put him in a car and take him to the hospital or ambulance if it's serious. I think we drove him from memory.
- GRAINGER: Okay, so in this case I was going to ask you what occurred?
- 30 TURTON: Yeah he would've, he was put into a car just – it would've been three correctional officers, just anyone, it doesn't have to be anyone special and

he would've been taken to hospital by those three officers. Seen, x-rayed whatever they do and then brought back.

GRAINGER: Did you, did you do the risk assessment?

TURTON: No.

5 GRAINGER: Do you know who did?

TURTON: No. Usually if I was to do one right now, it'd be the Deputy Governor's Clerk, it's the Deps Clerk they call it. He or she does all that kind of stuff. You just ring them up and go I need a section 24 and a risk assessment. They get it all ready.

10 GRAINGER: Okay.

TURTON: And then the Manager of Security would review all that and sign it.

GRAINGER: Did you, did you ever see those documents before he went?

TURTON: No.

15 GRAINGER: Okay. And, and going back to the clinic, you said that you were – after you'd found out he had to go to hospital –

TURTON: Yep.

GRAINGER: - you rang Peebles again.

TURTON: Correct.

GRAINGER: Okay and he told you something.

20 TURTON: I said to him "Brad, we're gonna have to do an IRM for the use of force". He became abusive, which again that's standard Brad Peebles. He goes from nice to abusive. He said "You're not fucking doing an IRM. You're not listening to me. There was no use of force". I said "That's fine Brad but he's going to hospital with broken ribs". They were the exact words I
25 remember, I said to him. And he went "Oh fuck! No worries. I'm directing you, you're not to do the IRM. Tex Walker will do the IRM". I said "Not a problem". I had the shits then, I just said "No worry", I slammed the phone down just because of the abuse I got off him. So that
30 was the end of it, my involvement. I had the shits so I basically said to myself I'm not getting involved in this anymore.

GRAINGER: Okay.

TURTON: So.

GRAINGER: Is, is the IRM in normal circumstances done by a member of the IAT or the team who may have been involved in the incident?

5 TURTON: Yeah, the general rule is whoever's involved in the IRM, the, in the term, in respect of the IAT, the Senior Correctional Officer, which was Tex, or Terry, he would either do the IRM or delegate it to someone that was involved in the incident. That's the whole point yeah, you have to be involved in the incident. If for instance there might be a, a reason they can't do it, it can be delegated to someone else to do. But normally it
10 would be someone intimately involved in the incident because they've got first-hand knowledge of it, yeah.

GRAINGER: Okay. When [REDACTED] came back from hospital did you speak to him at all?

TURTON: No.

GRAINGER: No.

15 TURTON: No.

GRAINGER: Were you there when he came back?

TURTON: Yes.

GRAINGER: Okay.

TURTON: I think so from memory, yeah, yeah.

20 GRAINGER: Did you have any, any involvement with him on that day at all, other than
—

TURTON: Other than interviewing no.

GRAINGER: Yeah.

25 TURTON: And again that was, it was a lockdown day. I would not see many inmates on a lockdown day, we just don't see them so.

GRAINGER: Alright, was it — you said a lockdown day. Was that because of something that had happened or —

TURTON: I think from memory it was a monthly search day which we have to do -

GRAINGER: Yeah.

- 5 TURTON: - so they're scheduled. It could've, but – and yeah it would've been a planned one because we had SOG and a support so it would've been a planned monthly lock-in from memory, yeah. There'd be an IRM for that too. Every time we lockdown there should be a, an institutional lockdown IRM so.
- GRAINGER: Are these records something just maintained at the prison? Are they -
- TURTON: No, no they're central data. Like it's statewide –
- GRAINGER: In a database.
- TURTON: Yeah.
- 10 GRAINGER: Okay.
- TURTON: I'm certain.
- GRAINGER: Are those, should all these records still should be –
- TURTON: Oh, you can go back 12 years, yeah they're still on there yeah.
- GRAINGER: Just before I move on to the next Tim, is there anything you want to
15 clarify?
- FOX: The clinic told you that there was suspect broken ribs or?
- TURTON: Yep, suspected.
- FOX: Suspect broken ribs.
- TURTON: Yeah.
- 20 FOX: And that, was that consistent with what [REDACTED] had said to you or he's just complained of soreness?
- TURTON: Soreness I think he said yeah, yeah.
- FOX: What was his demeanour when you –
- TURTON: Very quiet, very, very quiet.
- 25 FOX: - when you interviewed him.
- TURTON: Yeah very quiet, not talkative, just yes or no answers.
- FOX: Do you know if there was an IRM completed?

TURTON: Yeah there was.

FOX: There was?

TURTON: Later on that day I think.

FOX: How do you know that?

5 TURTON: When I was interviewed by our Department they showed it to me, so I have seen it. And I think I've looked at it since anyway, on our records.

FOX: That's it.

GRAINGER: So moving on to the next day which is the 20th of February 2014, what do you remember happened that day -

10 TURTON: Right.

GRAINGER: - if anything?

TURTON: Just turned up as normal. I, I think it was a normal operations day. I think Brad was the Manager of Security. I don't think Steve was acting in that role again, that's from memory. Now this is where it gets a bit confusing as ranks. We had a bloke there called Mark Kennedy who was at the time substantive Manager of Security. He had been demoted for assaulting an inmate and dumped at Lithgow. So he was demoted from Manager of Security down one rank to Deputy Superintendent, so it was more, same rank on the shoulder but it's a monetary thing. So he was demoted for 15 12 months as a punishment. He was at Lithgow but he wasn't allowed to act into the position of Manager of Security because of the Commissioner's direction. So he was basically acting as like a Sector Manager, same rank as me. So he was there that day as the Deputy Governor but acting as a SAS, my rank and so that was ongoing for quite 20 a while. So that's where it just gets a bit hazy. But Mark was on that day. 25

I'd been upstairs, we'd done all our checks, all inmates were alive. I was upstairs, I'd come downstairs, I was in the hallway between 5.2 Unit, where ■■■■■ lived, and 5.1 Unit. There's pods at both ends, there's a big long hallway, so I was, and my offices smack in the middle. So I 30 came downstairs, I, I was going down to see ■■■■■ I think I was by myself, can't really remember. I was met by Mark Kennedy and Brian McMurtrie in the hallway and about four or five emergency, like IAT people. I had no idea who they were, they all had helmets on and all their gear on so you can't see their face, gas masks, you can't see their faces.

5 And Mark Kennedy said to me – Brian McMurtrie didn't say anything – he's gone "Go back upstairs". I said "Why?" I said – 'cause I don't get on with Mark either. I said "It's my sector, I'm going down to see him". He's gone "Oh no, no you were involved in it yesterday so you, it's inappropriate that you go down and see him". I said "I wasn't involved in anything yesterday except for the injury questionnaire" and he said "Get upstairs". I said "Alright", so I just went upstairs and sat down.

10 Probably half an hour later – no sorry, in between I rang Steve - Steve Taylor's Manager of Security – I now remember 'cause I rang Steve Taylor and complained that I'd been kicked out of my sector, couldn't do my duties. And he said "Oh don't worry, Kenno - Mark Kennedy - he's there to run this search, like they're – they were going down to search [REDACTED] [REDACTED] with all the squad".

15 He said "Don't worry, Kenno's in charge". I said "Well if Kenno's in charge, Kenno does the whole lot. If there's something found he does the reporting, I don't want anything to do with any of it because I've been kicked upstairs". So about oh, it was probably an hour later I'd say, I became aware, I wasn't told I became aware that they had found buprenorphine on [REDACTED] [REDACTED] a prescription medication which was not prescribed to him. And I was, I think I was told this by IAT, I was told that they'd found it in his Ventolin puffer. I said "Oh okay then". I had no involvement in it whatsoever, I had nothing to do with – I never saw any reports.

25 I've since found out that – I know a couple of the people that were searching, one was Alan Murdoch and another one was Troy Dipple. Alan Murdoch's since left, he's now with New South Wales Police. Troy Dipple now works down at John Morony, he's transferred down there. He's still a First Class. They were two of the searching officers I've since found out, just I don't know how, just have. But at the time I had no idea who was in the cell because Mark Kennedy told me to wait upstairs. So
30 Brian and Mark went down and led that search operation on [REDACTED] [REDACTED] cell.

GRAINGER: Okay, so on that day – just going back again now –

TURTON: Sure.

35 GRAINGER: - you met them in the corridor between 5.1 and 5.2.

TURTON: Yes.

- GRAINGER: Did they tell you why they were there then?
- TURTON: No.
- GRAINGER: Had you been told prior to that why they were there?
- TURTON: Not at all.
- 5 GRAINGER: Was that something that would be unusual?
- TURTON: Very unusual yeah, that's why I took offence it's my sector I'm responsible for everything and everyone in it and I wasn't told anything about it so, yeah very unusual.
- GRAINGER: Now they told you – did they tell you what they were going to do at all?
- 10 TURTON: No.
- GRAINGER: Nothing at all?
- TURTON: Nothing.
- GRAINGER: Okay. And that bas – Kennedy's told you –
- TURTON: Go upstairs you – I said I was going down to see him. He said "You can't, you were involved yesterday. It's inappropriate that you go near him today", something like that he said. And I argued that I wasn't involved with anything yesterday and he said "Go upstairs", so I went upstairs. He technically still outranked me so I just went upstairs.
- 15
- GRAINGER: Okay. Where's Mark Kennedy now?
- 20 TURTON: He's since been promoted. He's the Governor of Bathurst, Kirkconnell.
- GRAINGER: Okay. With, the item was found, you, you've told us something was found in the cell –
- TURTON: Yeah.
- GRAINGER: - a proscribed, restricted drug. Going a step back, you – with, with the normal search of that type, is there a protocol or a requirement around searches internally that you have to have, like they're supposed to do certain things?
- 25
- TURTON: Yeah sure. You would have a video camera going for a start, that's mandatory. If it was just a, a random search like you could just be

- walking along and you see a suspicious inmate, you may not have a video camera, you might just be spur of the moment, unplanned, spontaneous type thing. But to go into a cell with four to five emergency unit personnel and a high ranking Senior Manager and the Intel Manager, on the surface it looks like it's planned intel based, search operation. You'd have reports, you'd have a camera going, you'd have all your suspicions everything. The boss would be aware, the Manager of Security would be aware, right we think there's drugs in there, we're going in. It'd all be planned and all be ridgy-didge.
- 5
- 10 GRAINGER: Would it be something that you as Sector Manager would be aware of?
- TURTON: For sure.
- GRAINGER: Yeah okay.
- TURTON: Particularly the area and just the Segregation Unit, it's – be very important for me to know.
- 15 GRAINGER: Okay, this, this is the Segregation Unit?
- TURTON: Yeah, yeah.
- GRAINGER: Okay.
- TURTON: Yeah.
- GRAINGER: And why was [REDACTED] in segregation?
- 20 TURTON: He could've either be on segregation – sorry, it's probably Multipurpose Unit. We had protection inmates, segregation inmates. From memory [REDACTED] had outlaw motorcycle gang issues, [REDACTED] issues. I think that's why he was held in there. I don't know if he was on segregation or we call it housing only, just away from everyone else until we sort out those
- 25
- GRAINGER: Okay.
- TURTON: I think from memory that's what his issue was.
- GRAINGER: Alright. Now if, if - during the search did you see them have a video camera at all?
- 30 TURTON: No I wasn't, I wasn't near it.
- GRAINGER: Wasn't near it at all.

TURTON: No.

GRAINGER: If a, a substance like the one you've just described as found, what would be the normal thing would happen in relation to that?

5 TURTON: Okay. That would be videoed again. It would be placed in an evidence bag, registered in the drug exhibit register in the Manager of Security's office. Depending on quantities, it'd either be New South Wales Police would be called to charge the inmate or we'd deal with it internally. If
10 was just a very small amount we don't waste the Police's time and they won't come out anyway. So we just usually do an internal misconduct, dispose of the drugs internally. There's set procedures for that and that'd be the end of it. It, it'd be either a criminal charge or an internal charge. There'd be IRNs done, there'd be reports done, there'd be video evidence secured. We've got a policy for that as well. That'd all be held in the Intel Manager's office, all the video evidence. They keep a log in there
15 and -

GRAINGER: Are you aware if any, any of that occurred?

TURTON: I'm not aware of it.

GRAINGER: Not aware of it?

TURTON: No.

20 GRAINGER: Okay.

TURTON: I never saw any documentation. I never even saw the drugs, nothing.

GRAINGER: Do – are you aware of how much was allegedly found?

25 TURTON: No. The only reason I know is people like Tex just saying oh we got drugs on him, just like anecdotally. I've never been, I've never seen it all, anything official so.

GRAINGER: Okay. Tim, anything you want to clarify before I move on here again?

FOX: Yeah that, that sec – just clarify the dates sorry of that second, the second day that we're talking –

TURTON: I think it was the 20th.

30 FOX: Alright.

TURTON: I think so.

- FOX: And the –
- TURTON: The other one was the 19th.
- FOX: You said you were going to see [REDACTED] [REDACTED] why was that?
- 5 TURTON: Just follow up, standard, see how he was basically. I, I've got to see every inmate in that unit every single day and you're supposed to make case notes that, that you've seen them every single day so it would just be part of my rounds, but I was interested in seeing him first.
- FOX: And how far into your shift was that?
- TURTON: About 8:30-ish.
- 10 FOX: And what would – 8:30am?
- TURTON: Between 8:30 and 9:00am yeah.
- FOX: So what time did you start?
- TURTON: 8:00 yeah. Yeah they were over quite early.
- FOX: And were you on your own as you were walking down?
- 15 TURTON: Yes.
- FOX: So the only people – so the people who heard your, that conversation with Kennedy and McMurtrie well, was yourself, Kennedy and McMurtrie?
- TURTON: Yeah.
- FOX: And what about the other team members behind?
- 20 TURTON: No they were sort of up the corridor getting, getting their kit ready and –
- FOX: Okay.
- TURTON: - all that stuff. Oh to go down and see [REDACTED] [REDACTED] I would just normally go down and grab a Senior in the wing and walk around with him or her and see, do my rounds, that's what I would normally do so.
- 25 FOX: Yeah. If there's going to be a planned search, there's obviously a lot of things that, that, that – or there's a number of things that have to happen, is there a policy or procedure that talks about, in Corrective Services about like the, what has to happen before a search –

- TURTON: Yeah.
- FOX: - or is, are most of the procedures dealing with what happens during the –
- TURTON: No, no there's a poss – there's a policy before as well, the Operations
5 Procedures Manual. If there's a known search the policy's you have to
have a video camera going, that's the big one and we all know that. So
like –
- FOX: Yeah.
- TURTON: - most searches I see –
- FOX: More focusing on beforehand. So if someone receives some intel -
- 10 TURTON: Yeah, yeah sure. What I do, there'd be – it'd go to the Intelligence
Manager for example. He would discuss that with the Manager of
Security. We got intel that [REDACTED] [REDACTED] got buprenorphine in his cell.
The MoS would authorise it, right go in and search him. I can authorise
that at my rank too. If the IAT come to me or someone had come to me, I
15 can authorise that. But it's normally through the Manager of Security.
He, he dictates what the IAT do. So there would, there would be
information received, it'd go through the process of the Intel Manager and
the MoS. They would discuss it, delegate a ta – an operation to occur and
then Senior of the IAT, for example, it wasn't this time and it wasn't Tex,
20 it was Mark Kennedy and McMurtrie with whoever knows, SOG
members. But they would just be going, they did their little SMEAC,
they'd plan it, they'd say oh that's your task, that's your task, that's your
task, make sure your equipment's all good. Then they'd go in and do the
search operation. There is a little procedure yeah, yep.
- 25 GRAINGER: Is it, in this case – and you're talking about SO, SOG did a search, is that
what you understand?
- TURTON: Well again I, I think there were some SOG there but they were all in their
black stad vests, helmets, masks, I don't know who they were to be
honest.
- 30 GRAINGER: Are there permanent SOG staff attached to Lithgow?
- TURTON: Yeah out the back. So we've got the Centre, the perimeter fence and out
the back there's the Western Security Unit, that's them. They service us,
Bathurst, Kirkconnell, Wellington. They're quite fast (unintelligible). But
they are based at Lithgow and there's usually someone there.

- GRAINGER: So is there a protocol involved to call SOG to do something?
- TURTON: No, not –
- GRAINGER: It's just a phone call type thing?
- TURTON: It's just a phone call yeah.
- 5 GRAINGER: Alright. Moving on, I understand later on there was a thing called synopsis meeting occurred.
- TURTON: Yeah.
- GRAINGER: Okay. Now have I jumped anything, any steps here?
- TURTON: No I don't think so, no, no, no.
- 10 GRAINGER: What's the synopsis meeting?
- TURTON: That's where all the executives, line managers meet. It used to – at that time it was every day through the week, not on weekends, so they – we usually meet about 10, 10 o'clock. It'd be the Manager of Security, sometimes the Governor depending on if he was busy or not. Both Sector
15 Managers, the Intel Manager, the Manager of Industries and the Nursing Unit Manager. And who else goes – that's about it. So basically all, all the functional managers in the Centre, and you just go around in a circle, any issues in your sector, any issues in this sector, that kind of thing, so that's what you do.
- 20 GRAINGER: Okay so do you recall attending a synopsis where this was discussed?
- TURTON: Now I don't know if it was that day, but I do recall a particular synopsis, I can't remember the date at all, I cannot remember the date at all. But it was around February/March. I definitely remember a synopsis where this was discussed. Brad Peebles was there, John O'Shea was standing behind
25 Brad Peebles. Brian McMurtrie was there, he was sitting on the safe in the MoS office. There was myself, the Manager of Industries was there for a period and the, the Nursing Manager was there. Those two left and then I do recall a conversation in the synopsis after the man, MoI and the NUM had left.
- 30 And it was along the lines of - and again I can't, I didn't write anything down or – but it was along the lines of Brad – no John O'Shea had said "What are we going to do about this fucking ██████████ ██████████ Brad Peebles opened up his drawer and he pulled out a jail made weapon, we call them

shivs. And he said “We’ll just plant that in the cunt’s cell”. And O’Shea slapped him on the back of the head and gestured towards me and said “Don’t say that shit”. But - so looking at me ‘cause knowing that I’d probably report it or whatever ‘cause that’s our relationship, my relationship with John O’Shea is, and Brad Peebles is quite unique. I don’t know if you want to know about that later but. So and then that was put back in the drawer.

There was then comments made about protected disclosures being made about [REDACTED] [REDACTED] and Brian McMurtrie piped up and said “I’ve spoken to [REDACTED], who I know to be [REDACTED] of [REDACTED] – “I’ve spoken to [REDACTED] He said the whole thing’s gone away”, and O’Shea just said “Oh, that’s good mate, that’s good”. And then O’Shea walked out and it was just me, Brad and Brian McMurtrie. And there was a lot of banter between them. I, I felt quite intimidated by this ‘cause there was a lot of banter between those two about protected disclosures back and forward, I wonder who’s put it in. You know I just got the impression it was said for my benefit.

And then not long after that there were rumours going around that I’d done a protected disclosure about all this, which I haven’t, and for some reason I felt compelled to do a report to John O’Shea saying I hadn’t, which I did. I’ve got that report somewhere. So there is a report there making a complaint about an officer who was making those allegations about me and protected disclosures and I state I hadn’t. But that all came out of that synopsis and I can’t remember the date.

25 GRAINGER: That’s alright so conversation about P-I-Ds had been made, what do you recall that conversation to be?

TURTON: That from memory three people had put in P-I-Ds. They were – between those two they were trying to, they were taking stabs in the dark as to who it could’ve been. I reckon it was so and so and she’s a dog and that’s how they speak. And basically they were trying to determine who it was that put in a protected disclosures about [REDACTED] [REDACTED] I, I can tell you know it was for my benefit, they were waiting for me to either say it was me or it wasn’t me. They were trying – I just didn’t engage. I just sat there and didn’t say a word. So, but it was definitely said for my benefit, that conversation.

GRAINGER: Did O’Shea indicate how he knew that disclosures had been made?

TURTON: Yeah he said, he indicated it was [REDACTED], [REDACTED] because Brian, he was mentioned quite a few times [REDACTED] and Brian ended up saying "I've spoken to [REDACTED] it's all going away". That's exactly what he said. Sorry, I'll backtrack a little bit, O'Shea said "Have you spoken to [REDACTED] yet?" He said that to Brian and that's how Brian said "Yes I've spoken to [REDACTED], it's all going away". So I took that as O'Shea had directed Brian to, to ring [REDACTED].

GRAINGER: Okay. Did you form a view about the accuracy of that, whether it was – did you think they were just you know pulling, pulling a leg or making grandiose statements or –

TURTON: Ah –

GRAINGER: - what did you think?

TURTON: I was probably just more paranoid that they were gonna blame me to be honest. I, I didn't really think into it. I was just thinking about myself at the time because there was an officer, [REDACTED] she's a Senior Correction Officer, she had been blabbing off to everyone. She's quite passionate about this whole [REDACTED] [REDACTED] thing. She's probably a good one to talk too. She's still very angry that in her words "O'Shea and all that got away with it", that's her words. So she was running around, she was – had quite a lot to say about the whole matter and she was saying it was me. She's the one that I complained about, she's the one saying Turton's done a protected disclosure, he's done it before rah, rah, so that caused a little bit of heat between me and Brad Peebles and John O'Shea, that whole oh past ICAC crap, which I don't buy into.

But that's why I did this report complaining about [REDACTED] and that's never been actioned. I handed that straight to John O'Shea and emailed it to him. That's never been actioned to my memory so. That was – I think I was more paranoid about did they think – back then I was actually concerned about whether they thought I'd done a protected disclosure so I didn't really think is this true or not, is there a protected disclosure, I didn't really go into that in my mind so.

GRAINGER: Okay. Now [REDACTED], how do you spell her surname?

TURTON: [Spells] [REDACTED]

GRAINGER: Is she still at Lithgow?

TURTON: Yes.

- GRAINGER: What rank is she now?
- TURTON: She's a Senior Corrections Officer but at the moment she's an Acting Assistant Superintendent.
- GRAINGER: Okay. So O'Shea's left the room –
- 5 TURTON: Yes.
- GRAINGER: - and there's been a conversation between McMurtrie and –
- TURTON: Peebles.
- GRAINGER: - Peebles.
- TURTON: Yep.
- 10 GRAINGER: You were still there?
- TURTON: I was still there.
- GRAINGER: And did you stay there for the entire conversation or leave?
- TURTON: I ended up leaving. It was the meeting, the synopsis was well and truly over, they were just talking crap about [REDACTED] [REDACTED]
- 15 GRAINGER: Okay. Did anything happen after that?
- TURTON: Not from memory no.
- GRAINGER: Alright. Do you recall speaking to Wes Duffy at all?
- TURTON: Yes.
- GRAINGER: Okay, tell us about that.
- 20 TURTON: Testing my memory banks here. He was up in the tower. Now he was a First Class Correctional Officer at the time. He's since been promoted. So he was in the tower and he asked for me to come up and see him.
- GRAINGER: Do you know, do you know him well?
- 25 TURTON: Yeah I've known him for oh probably 16 years. I worked with Wes at Parramatta. Wes trusts me, he just trusts me big time. He was at Parramatta I think in my past ICAC matter. So he's very understanding of things I did and blah, blah. He often comes to me, he has over the years for advice on how he should report stuff. So that was the context of him

5 calling me up there and he, he opened the conversation like that. He's gone "I hate to do this, but I know that you're, you're honest and you'll give me the good advice". So he said "I'm struggling with what to do about [REDACTED] [REDACTED] So I said "Well what's going on?" Again I don't know the time, the date. It, it was all pretty much not long after all the [REDACTED] [REDACTED] thing.

10 And he said that he'd seen – from memory he had seen Elliot Duncan I think it was, going way over the top with [REDACTED] [REDACTED] in terms of jumping off a chair or a bed and driving his knee into his chest and Wes said that he had information, I think he said about reports being backdated. He knew that Brian McMurtrie had falsified intelligence to justify going into that cell. He didn't say how he knew that. He said that he'd done a report and handed it to O'Shea and nothing had been done about it. He was bitter and twisted about that. He wanted to know should he pursue that
15 and push the report on further. He told me that he'd had the report registered with the Deps Clerk - so we have an electronic report register - so he knows it had gone in and there's a record of it going in and he said O'Shea's swept it or buried it, something like that.

20 I advised Wes just to be truthful, as I always do. I said "Mate, you've got to do the right thing, got to do the truthful thing. If you think there's something dodgy going on you have to report it". He was terrified of John O'Shea, I think he still is. He was terrified of Brian McMurtrie, everybody is. So he was reluctant to report anything so I don't know whether he did after that or not.

25 I've spoken to him, over the years since then I've spoken to him every now and then and he, he vents every now and then and I, I do know – he's told me that you guys are speaking to him 'cause he saw me again yesterday and again, and prior to that about three days prior to that. Again
30 not telling me much but just getting advice. I said be honest, that what I always, ever tell him. He's told me a few things yesterday, I don't know. He was just blabbing on about what he's going to tell you. He was running through it with me yesterday so, just so you know he has been talking to me.

GRAINGER: Sure.

35 TURTON: I don't know if he's talking to anyone else but, yeah, over the – since then he's, he's often said oh I'm not happy with this, I'm not happy with that. And I know Matt Horan, who's one of our Investigators, contacted Wes

about three, four months ago I think it was, had turned up to the jail and spoke to Wes about something, I don't know what yeah.

GRAINGER: Just going back, I'll backtrack, you were working at some point in time, you don't remember the date.

5 TURTON: Yep.

GRAINGER: You had a phone call from Duffy.

TURTON: From Duffy, he was at the tower.

GRAINGER: Asking, asking you to go to the tower.

TURTON: Yep.

10 GRAINGER: Is that something you would normally do?

TURTON: No never. I think that's the only time I've ever been up the tower.

GRAINGER: The, the privileges of rank.

TURTON: Yeah that's right [laughs].

GRAINGER: You went up there, is that right?

15 TURTON: Yes.

GRAINGER: Okay and you had a conversation with him -

TURTON: With him.

GRAINGER: - and then in that conversation he disclosed some things to you.

TURTON: Yes.

20 GRAINGER: So just run through what you, you've told, told you again with him please.

25 TURTON: He told me that he was struggling with what to do in terms of [REDACTED] and reporting stuff. He said he'd done a report – and I hadn't seen that report, I've never seen it – and about his involvement. He said he was in the cell. And what he told me was he was in the cell with Tex Walker and Elliot Duncan. He told me that Cameron Watson was standing out – he's a First Class Correctional Officer, he's now at Bathurst Transport. Cameron's standing outside with Mick Watson, the dog handler. He said Simon Graf had been told by Tex Walker to get the cellmate out, [REDACTED]

██████████ cellmate off the bed and take him outside, so he said Simon went outside and stood away from the cell and just secured the other inmate.

5 So he said the ones inside the cell were himself, Elliot Duncan and Terry Walker. He said that's what happened inside the cell. He said there was like a lot of commotion, abuse, smart talking and stuff between officers and the inmate. He said at one stage Elliot picked up the inmate and gone shhoo, pole driven him into the ground. And then at another stage Elliot jumped off the bed with his right knee or left knee or whatever knee and cracked it into ██████████ ribs and Wes reckons that's how he – I don't
10 know if he broke his ribs in the end but that's how he injured his ribs.

15 Then he went on about how, he said "I know Brian's backdated reports" because the whole scuttlebutt around the jail now is that – but like the – if you listen, if you asked the average prison officer at Lithgow then went in, they flogged this inmate for being smart and then Brian's covered it up by doing reports justifying going in there to find drugs. So Wes told me that up the tower that he knows Brian had backdated the intel reports and written them after the fact. I didn't ask how he knew that, he just – and I don't know how he knows that. I, I don't know that Brian's done that
20 either, that's just the rumour. And then he had, he put a report in, registered it with the Deps Clerk, given it to O'Shea. Actually he told me he put it under O'Shea's door, the Governor's door upstairs and he's never heard a thing about it. He had the shits about that. He wanted to know should he report it further, should he make some fuss about that report and he was basically struggling.

25 He was, he had concerns about Elliot Duncan. I think Elliot had said something to him about shutting your mouth at the time. Then Wes told me more about Elliot Duncan yesterday, the conversation they'd had since. He had concerns about Terry Walker, and basically repercussions locally if he said any – do you want to put on the dog basically so that's
30 what he was concerned about and, because I've been there, what should I do. And I just told him to be truthful.

GRAINGER: Just so, just so I'm clear, I think I know what it is –

TURTON: Yeah.

GRAINGER: 'On the dog' means someone who's ratted out another –

35 TURTON: Informed –

- GRAINGER: - prison officer.
- TURTON: - yeah ratted, yeah exactly.
- GRAINGER: You, you said that Duncan told you he'd put a report in. Did, did you –
are you aware of what the report was? A, a report about what really went
5 on or a report about –
- TURTON: No I don't know. I've never seen it.
- FOX: That's Duffy.
- TURTON: That's Duffy sorry yes, Duffy.
- FOX: Yeah.
- 10 TURTON: No, I've never –
- FOX: Like when you say the report had been read, he said anyway obviously
take this further, but to your knowledge if it's registered with the, the, the
Deputy's Clerk, does that mean it's registered electronically?
- TURTON: Yes. And I know it is because about – when Matt Horan came out to see
15 Wes recently, I got a phone call or an email from Matt Horan asking for a
copy of that register so I got it for him and I emailed it to him so – and I –
it was on there, Wes Duffy's report's was registered on there so, yeah I
know that's for a fact. So Wes, Wes has told me something else about
20 Elliot and it was yesterday I think. He said that when Matt Horan came
out Elliot Duncan became aware of that visit and made comments to Wes
that 'I better look for another job now' because Elliot knew they were
looking into this matter, our Department was. And probably a month after
that Elliot left so -
- GRAINGER: Okay.
- 25 TURTON: - he works up at Newcastle in a coalmine or something there.
- GRAINGER: The, the material we've got indicates that you were later asked to do a
statement about the whole thing.
- TURTON: Yeah.
- GRAINGER: Is that right?
- 30 TURTON: Yeah.

GRAINGER: Is that – tell, tell us what happened there?

5 TURTON: Right and I've got it here. I got – we were asked – we knew it was going to be internally investigated. I got an email saying such from some Glasheen or someone. So they came out and spoke to other people, never spoke to me. I'm not sure who they interviewed. I'm pretty sure it was John O'Shea and Steve Taylor got interviewed 'cause they mentioned it. I never got interviewed but then I get an email – I've got it, do you want –

GRAINGER: Yeah, yeah.

TURTON: - go and have a look?

10 GRAINGER: Yeah, yeah.

TURTON: I've got the date here so I printed it out in case you didn't have it all.

GRAINGER: Yep.

15 TURTON: [Shuffling papers] I've written all over it anyway, so I got an email on, on or around the 25th of February. I thought I printed out the actual email too. I did, here it is.

GRAINGER: (Unintelligible) look.

TURTON: Yeah, yeah, yeah sorry, I've written on it.

GRAINGER: That's no problems. We're talking about an email from John Glasheen to yourself. It's dated the 25th of February 2015 at 1:14pm.

20 TURTON: Yeah.

GRAINGER: I'll read it on to the record. It says '*Good afternoon Phillip. I've attached a copy of a statement I would like you to look at regarding inmate [REDACTED] [REDACTED] MIN [REDACTED] I have an enquiry regarding alleged assault of this inmate on the 19th of February 2014. I've attached two forms I would like you to look at and, if the statement is true and correct, would you please sign the statement and send it back to me with the two forms. Please keep a copy for yourself. If you wish to change anything in the statement please do so on the statement. I did not know your age so I left it blank so could you please put your age on the statement. I can be contacted*' and there's a signature block. So –

25

30

TURTON: Yeah.

- GRAINGER: - that's the email and –
- TURTON: Yeah –
- GRAINGER: - attached to it was a draft statement was there?
- TURTON: Yeah, yeah and my response is there somewhere too.
- 5 GRAINGER: Okay.
- TURTON: (Unintelligible).
- GRAINGER: And –
- TURTON: Yeah there was a state, statement that they'd written for me.
- GRAINGER: Just tell us what, what happ, what you did?
- 10 FOX: Sorry, just clarify it –
- TURTON: Yep.
- FOX: - they'd drafted a statement but they hadn't actually interviewed –
- GRAINGER: Spoken to you.
- FOX: - you.
- 15 TURTON: That's correct yeah.
- FOX: So they had not taken a version of, a version of events directly from you –
- TURTON: Not at all.
- FOX: - anybody in any -
- TURTON: Not at all.
- 20 FOX: - shape or form.
- TURTON: Never (unintelligible).
- FOX: The first thing you knew –
- TURTON: Absolutely –
- FOX: - about being asked to provide a version (unintelligible).

- 5 TURTON: Hundred percent, I'd never spoken to anybody in that capacity of investigation ever. So I was a bit rattled by that. Give – there was a lot of scuttlebutt around the jail at the time about this, ICAC were mentioned, protected disclosures were mentioned, the whole lot so it's, it's quite a hot topic and then I get this email with the statement already written. So I was a bit rattled by that so I wrote back to John Glasheen and I thought I printed it for you, I basically wrote –
- GRAINGER: By email?
- TURTON: By email yeah. I can just – probably get it up –
- 10 GRAINGER: That's alright, we'll, we'll do it later.
- TURTON: Yeah, yeah, you can get it, it's on there. I said I'm not comfortable or I refuse to sign this and I had four points. I said I've never been interviewed, no one's ever taken a statement, it's not factually accurate and I said the last bit's supposition I think from memory where – the last bit was "*I have no further recollection of this alleged incident or the inmate [REDACTED] [REDACTED] as this happened some 12 months ago*". So that's the bit I took most offence to because that wasn't true.
- 15
- FOX: Sorry, have a look at the date of that.
- TURTON: Yeah sure. So he wrote back from memory and said oh no worries, we'll come and see you, to that effect – I can't remember what he wrote. So they did come out and see me a couple of days after this. Now I'll be honest, I didn't really alter my statement all that much. The reason was they interviewed me right next door to John O'Shea. They walked in, there were two of them. They just said so tell me what happened. I, I didn't go into what I've just gone into with you. There's no way in hell I was going to do that. The only thing I did, I deliberately introduced Brad Peebles into it because Brad hadn't been mentioned in anything. As far as everyone knew Brad wasn't even on that day. So I introduced Brad into my statement, my new statement, which I haven't got, and I – to make sure that everyone knew he was present. 'Cause I'll, I'll be honest, I wanted Brad to be interviewed over this to see what he would say.
- 20
- 25
- 30
- So I didn't alter my – I didn't go into any allegations against O'Shea in my statement. There was no way in hell I was doing that without protection so. I, I didn't lie in my statement but I didn't go right into it.
- 35 GRAINGER: Okay.

- TURTON: So.
- GRAINGER: You didn't tell the full story –
- TURTON: No.
- GRAINGER: - for a reason and what reason was that?
- 5 TURTON: Fear of reprisal and my own safety to be honest.
- GRAINGER: Did you have any concerns about the people investigating the complaint?
- TURTON: Yes.
- GRAINGER: And what were those concerns?
- 10 TURTON: Too familiar with John O'Shea and [REDACTED]. Given the whole [REDACTED] [REDACTED] sorted everything and then [REDACTED] sends these two people out, there was no way in hell I was gonna say anything.
- GRAINGER: Alright so your statement didn't differ greatly from what they had typed for you –
- TURTON: No.
- 15 GRAINGER: - but that wasn't the full stor –
- TURTON: That's not at all, no.
- GRAINGER: Okay. Tim do you want to ask something?
- FOX: Just wanted to go back – sorry about this.
- TURTON: Mmm.
- 20 FOX: I just wanted to go back to the synopsis meeting. You said there that you submitted a report after the synopsis meeting in which you stated that you had not made a protected disclosure.
- TURTON: Yeah, yeah.
- FOX: Can you recall how long after that synopsis meeting you did that?
- 25 TURTON: Oh –
- FOX: Roughly.
- TURTON: It'd be a matter of weeks I believe.

- FOX: Right.
- TURTON: Yeah.
- FOX: And you said you, you were able to provide a copy of that.
- TURTON: Yeah, yeah it's all –
- 5 FOX: Yeah.
- TURTON: - it's all electronic too so, for sure.
- FOX: And I know this is basically, this email you've got was a year later.
- TURTON: Yeah.
- FOX: Were you aware before that of the internal investigation?
- 10 TURTON: No.
- FOX: So you – that's the first time you became aware that there was an internal investigation?
- TURTON: Officially, yeah there were rumours.
- FOX: Okay.
- 15 TURTON: But yeah, officially no, not – exactly, the first time I'd been informed, yeah.
- GRAINGER: We've, we've covered Brian McMurtrie and the, the information you have about backdating intelligence reports –
- TURTON: Mmm.
- 20 GRAINGER: - and you said there was basically you know, some discussion within the jail, this occurred and Duffy had told you –
- TURTON: Yes.
- GRAINGER: Other than those facts, do you have any knowledge yourself about whether it did or did not occur?
- 25 TURTON: Yeah, only – I can tell you a conversation I've had with Brian McMurtrie since. [REDACTED]
[REDACTED]
[REDACTED]

5

██████████ at the time we had our conversation I'm about to tell you about, he was very, very bitter with John O'Shea for some reason. I think it was more O'Shea wasn't looking after him in terms of looking after my mates and Brian was in a lot of trouble with work, which is why he's been demoted, amongst them a raft of other things.

10

So look I was Acting Manager of Security. On, like again I can't remember a date 'cause it wasn't my kind of thing oh I better make a note of that, it was just a conversation. Brian was sitting in my office and he's going on and on and on about our Commissioner, about the Department, his wife and then he says "Fucking O'Shea". He's gone "I'm fucking dirty with that cunt", that's exactly what he said. He's gone "He's got to realise the shit I've done for him". He's gone "The ██████████ shit that I sorted out for him and he wants to fuck with me. I'll get out the sink files". That's one of his famous phrases is his sink files. And he basically means he's got information on senior managers that he'll use if he needs to.

15

20

So again he said something along the lines of "Fucking O'Shea, he's got to remember what I did for him in the past, what I've done for him with ██████████ and sorted it out. I'll get out the sink files". And he was just filthy at John O'Shea. I've had a similar conversation with Terry Walker 'cause Terry Walker – after this happened I'm not sure if you're aware, ██████████

25

██████████ Terry had some time off again 'cause he's got, he's got some bad issues. He had a similar conversation with me saying that O'Shea had cost him a \$1,000 'cause he was fined a \$1,000 as a result of all this. And if he ever leaves the job O'Shea's gonna fucking know about it, that's what Terry said to me. So – he didn't say but he implied to me in my mind that he helped O'Shea with ██████████ matter as well.

GRAINGER:

Okay. So the, the, this term 'sink files' –

30

TURTON:

Yeah.

GRAINGER:

- do you know anything more about them?

TURTON:

35

Yeah, well yeah Brian threatens people with them all the time. I've – not to muddy the waters here but I've got a thing going on with Brian McMurtrie at the moment and he, September last year he printed out the ICAC transcripts from my last – years ago, and he posted them around the jail and was harassing the hell out of me so I've made a big issue of that. He was moved to Kirkconnell because of that, he was demoted because of

the [REDACTED]. [REDACTED]
[REDACTED]. But he, he threatened me
with the sink files. He's dropped it to other executive officers at the jail,
it's all on record. Peter Wallace would have all that on his records.

5 He, he basically says he's got sink files on senior managers and if he ever
gets in trouble – I don't know in what form, whether they're paper,
electronic, I don't know. He calls them sink files and it's basically
information. [REDACTED]

10 [REDACTED]
[REDACTED]
[REDACTED].

GRAINGER: So you have no idea where he may or may not keep them?

TURTON: No idea.

15 GRAINGER: Alright, if they do exist.

TURTON: If they do – if they exist at all, exactly 'cause I think he would've used
them by now if he had them.

GRAINGER: So the conversation you had with McMurtrie you said then about use the
sink files after [REDACTED], where did that occur?

20 TURTON: In the Manager of Security's office at Lithgow.

GRAINGER: And how long ago was that?

TURTON: Oh wow, probably 18 months, two years ago.

GRAINGER: Okay, were you the MoS at that point in time?

TURTON: Yeah, yeah.

25 GRAINGER: Okay. Alright.

FOX: How long, how long after that did he, did he leave?

TURTON: Aaah, it would probably be about nine months after that.

FOX: Okay.

30 TURTON: Yeah, it'd be easy to find out. It was when his Academy disciplinary stuff
started, so that's when he was down in the dumps and yeah. So it was –

he, he started on me in September last year. It was probably around January 2016-ish, around then.

FOX: So he confided in you and then some months later –

TURTON: Yeah.

5 FOX: - he started on some sort of campaign to undermine your position.

TURTON: Abso – we had a bit of an issue. We’ve got – alright. Have you heard of TRIM?

GRAINGER: Yeah.

10 TURTON: [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
15 [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
20 [REDACTED]
[REDACTED]

GRAINGER: Okay.

TURTON: Yeah.

GRAINGER: Understood. Alright.

TURTON: Very childish, very, yeah.

25 GRAINGER: Just before I finalise, anything else you want to clarify?

FOX: Yeah you mentioned [REDACTED] a couple of times.

TURTON: Mmm.

FOX: I just want to clarify a couple of things. Before this incident in February '14, had you ever had any direct dealings with [REDACTED]?

30 TURTON: Yeah big time. [REDACTED]
[REDACTED]

[REDACTED]. So yeah I, I know [REDACTED] very, very, very well. I've got his number in my phone, everything like. So yeah I've had big dealings with [REDACTED] yeah.

5 FOX: And how would you describe as of February '14 your relationship with [REDACTED]

TURTON: I think I've spoken to him twice. We'll I don't really have one. I don't, like I don't call him regularly or –

FOX: No okay, so you didn't have a, a professional relationship with –

TURTON: Nah.

10 FOX: - with him as such?

TURTON: No I've never worked with him.

FOX: It wasn't ongoing?

TURTON: No, not at all.

FOX: [REDACTED]

15 TURTON: Yeah and it could've been six years since I've spoke with him –

FOX: Yeah.

TURTON: - since then and yeah.

FOX: Was there any animosity between the two of you?

TURTON: No, not at all.

20 FOX: Alright. And so I just wanted to clarify, 'cause obviously he's a sort of, you know he's been mentioned and he's a, [REDACTED]

TURTON: Mmm.

FOX: His name was banded around by McMurtrie –

TURTON: Mmm.

25 FOX: - early on -

TURTON: Yes.

FOX: - and words to the effect 'it's gone away'.

- TURTON: It's gone away, yeah.
- FOX: Right, and have you ever had any other information about his involvement in this investigation?
- TURTON: No.
- 5 FOX: So that's the basis of any concern that you may or may not have is that the are comments by McMurtrie –
- TURTON: Yes -
- FOX: - in the –
- TURTON: - and John O'Shea.
- 10 FOX: - in the immediate aftermath –
- TURTON: Yep.
- FOX: - of this incident.
- TURTON: Correct, that's correct yeah.
- FOX: I'm just gonna go on to some other people that's all, same vein. What,
15 what – around again, I just want to go back to February '14, what was the status of your relationship with John O'Shea?
- TURTON: Oh, not good.
- FOX: Yeah.
- TURTON: Yeah.
- 20 FOX: Acrimonious?
- TURTON: Yeah very. To explain that, the reason Mark Kennedy had been demoted was I was the Senior Assistant Superintendent at, at Oberon. Mark Kennedy was the Manager of Security. Mark Kennedy assaulted an inmate on a camera at Oberon, which is why he was demoted. Long story
25 short, Mark blamed me again because of my history for reporting him. It wasn't me that reported him. Mark told everybody at Oberon and everybody at Lithgow it was me that reported him. So that caused a bit of an issue for me as well in terms of trust and undermining my authority.

O'Shea came out to Oberon one day and said "We need to go for a walk". I said "Okay that's fine". And he basically put it on me as we were walking around, I know it was you that doxed Kenno in. I said it wasn't and he's gone it was, you're a dog blah, blah. So that was our relationship. Since then he's called me terrible names, he's threatened to have me dismissed and marched off the complex 'cause he thought I was again giving him up and being a dog. Every time something happens or he's in trouble or there's something reported, I'm not being dramatic, he comes to me, well he did come to me and blamed me for being a, a whistleblower. So our relationship was quite strained. There was no trust whatsoever from both, both ways. He thought I was just a, a snitch, end of story, he's called me that. He's threatened me, he's yelled at me, screamed at me so it was a terrible relationship, absolute terrible.

FOX: And Peebles?

15 TURTON: I'd only known Brad a matter of months before that. On, on the surface it was okay. There was no trust there either. He – that whole generation – and they're all linked, they're all old country emergency unit people. There was no trust there. His, his opinion of me was that I was a snitch as well. He hasn't said that to me but other people, he's said it to other people. So that, it was not a good relationship there either. It was not abusive or anything but there was definitely no mutual respect.

GRAINGER: Enough of that? Okay, Phil just before we close is there any other information you have that you think may assist the Commission in its investigation of this?

25 TURTON: Made notes, is that alright if I look at them?

GRAINGER: Yeah look at your notes (unintelligible).

TURTON: [Going through notes]. You probably – yeah, just trying to think.

GRAINGER: It might be easier to say well if you – after you, we finish you, you reflect on something you think may assist us –

30 TURTON: Yeah sure.

GRAINGER: - you have our, my details.

TURTON: Yeah, yeah sure.

GRAINGER: You can contact me or Tim –

- TURTON: Yep.
- GRAINGER: - and tell us what it is.
- TURTON: No worries.
- 5 GRAINGER: Just in closing, have you any complaints about the way this has been conducted?
- TURTON: No, not at all, no.
- GRAINGER: Something I'm gonna tell you that, involvement in a Commission investigation can cause some people somewhat anxiety and discomfort -
- TURTON: Yep.
- 10 GRAINGER: - and stress. In this regard if you need the assistance, you feel you need assistance, you have the option of going to an organ, an organisation called Optum.
- TURTON: Uh-hmm.
- GRAINGER: It's engaged by Corrective Services New South Wales.
- 15 TURTON: Yeah.
- GRAINGER: I can give you the number -
- TURTON: No I've got it.
- GRAINGER: - if you need it.
- TURTON: I've got that. It's all good.
- 20 GRAINGER: Or if you need to speak to someone other than us, you can speak to Doug Greeves in the -
- TURTON: I know Doug.
- GRAINGER: - Professional Standards Command.
- TURTON: Yep.
- 25 GRAINGER: He can, he's aware of this.
- TURTON: Okay, good.
- GRAINGER: So I - he's asked me to give you his details if you want to talk to him.

TURTON: I've already got his number so that's good.

GRAINGER: So in, in closing, thanks for your time today Phil.

TURTON: That's okay.

GRAINGER: It's currently 10:26am and I'll finalise this interview.

5 TURTON: Cool.