

INDEPENDENT COMMISSION AGAINST CORRUPTION**RECORD OF INTERVIEW BETWEEN SENIOR INVESTIGATOR PAUL GRAINGER
AND JOHN O'SHEA AT ALDAVILLA ON 11 JANUARY 2018**

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TIME: 09:20
PRESENT: PAUL GRAINGER
TIM FOX
JOHN O'SHEA

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GRAINGER: This is an electronically recorded interview between Paul Grainger and Mr John O'Shea. The date is the 11th of January 2018 and the time now is 9:20am by my watch. We're currently at the Mid North Coast Correctional Centre at Aldavilla in New South Wales. For the purpose of voice identification I'll ask each person present to state their name starting with you John.

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O'SHEA: Yeah, John William O'Shea.

GRAINGER: Tim.

FOX: Tim Fox from ICAC.

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GRAINGER: John are you happy to have your voice recorded today?

O'SHEA: Yes.

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GRAINGER: Okay. John formally thank you for your time taken and the time to assist us with this investigation. I'll just adopt a number of things that I told you before we started recording this interview. Do you, do you agree that I informed you that the interview was a voluntary process?

O'SHEA: Yes.

GRAINGER: Do you agree that I informed you that we are not, as the Commission, is not exercising a coercive power at this time?

O'SHEA: Yes.

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GRAINGER: Yes. And do you agree that I informed you that you are under no obligation to take part in this interview?

O'SHEA: Yes.

GRAINGER: Do you agree that I informed you that I may ask a series of questions and that I may show you a number of documents during the interview?

O'SHEA: Yes.

5 GRAINGER: And do you agree that I informed you that the interview may be later recorded – and you – may be recorded and later used in evidence?

O'SHEA: Yes.

10 GRAINGER: And do you agree that I informed you that that included, that for the purpose of the Commission's investigation, any prosecution or disciplinary action that may occur after the Commission concludes its investigation?

O'SHEA: Yes.

GRAINGER: So do you understand what that means?

15 O'SHEA: Yes. Oh sorry, I'll try and clarify. Yeah that means if, if you guys after, or the ICAC chooses to say okay we'll put this onto the Commissioner, our Commissioner of Corrective Services, is that correct?

GRAINGER: That's correct.

O'SHEA: You'll pass that on through there or whatever, yep.

GRAINGER: If, if the Commission also chooses to refer a matter to the DPP –

O'SHEA: Yeah.

20 GRAINGER: - this evidence may form, may form part of that brief of evidence.

O'SHEA: Yes.

GRAINGER: It also may be used for the purposes of investigation if the Commission chooses to go to public inquiry –

O'SHEA: Yep.

25 GRAINGER: - in this matter. Okay, so you understand each of those?

O'SHEA: Yes, yeah, yeah.

GRAINGER: Okay. Also do you agree that I informed you that prior to the commencement of this interview that, under the provisions of the ICAC Act, there is an offence created for a person who deliberately provides

false or misleading evidence or information to an officer of the Commission. Now at this point in time, so there's no uncertainty, both Mr Fox and I are Commission officers and this interview is part of our functions under the Act. Therefore anything you tell us today must be true to the best, your best of your knowledge and recollection.

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O'SHEA: Yes.

GRAINGER: Do you understand that?

O'SHEA: Yes.

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GRAINGER: Now just so you understand the full scope, do you have any questions at this point in time before I go –

O'SHEA: Oh no, I presume you're going to get into –

GRAINGER: Okay that's fine.

O'SHEA: - what we're into yeah, yeah not a problem.

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GRAINGER: The Commission is currently conducting an investigation into allegations that since February 2014 Corrective Service New South Wales' employees have dishonestly exercised their official functions in relation to the assault on inmate [REDACTED] or the possible assault of inmate [REDACTED] the recovery of a prohibited substance from his cell and any related investigations. Do you understand that?

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O'SHEA: Yes.

GRAINGER: Okay, that's the scope we're looking at –

O'SHEA: Yes.

GRAINGER: - at this stage. Just for the record your full name again please?

O'SHEA: John William O'Shea.

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GRAINGER: Your curr – your date of birth?

O'SHEA: [REDACTED].

GRAINGER: Your current address?

O'SHEA: As in jail address?

GRAINGER: Oh either, both jail and residential if possible please.

- O'SHEA: Okay. [REDACTED].
Currently work location, Governor of Mid North Coast Correctional Centre -
- GRAINGER: Okay.
- 5 O'SHEA: - Kempsey, New South Wales.
- GRAINGER: And do you have – what are your best contact details John?
- O'SHEA: [REDACTED]
- GRAINGER: Okay.
- 10 O'SHEA: Or landline because at the centre it doesn't work in here all the time, landline is [REDACTED]
- GRAINGER: Okay, now as a member of Corrective Services New South Wales, you have a particular ID number or something, a staff number?
- O'SHEA: Yes, yes my serial number is 9171379. (Phone ringing).
- 15 GRAINGER: Just can you give me an overview of your time of employment within Corrective Services please?
- O'SHEA: Sure. Joined it in 1991 as a catering overseer. Nine months after that, out at Kirkconnell Correctional Centre, nine months out of that I transferred over to custodial. Worked my way through to the ranks, held positions of Assistant Superintendent, Senior, Senior Assistant Superintendent, Deputy Governor and Governor. Worked in around nine correctional centres. I was in S&I for about four years out the back of Lithgow where we, where I was in charge of about half a dozen men for the Central West Region for all centres for various roles, dogs, riot plans, whatever it may be. Predominantly maximum security centres that I've been around in the last
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nine years and maximum security inmates and programs in and around that.
- GRAINGER: Okay. In 2014 were the, you the Governor or General Manager of Lithgow?
- O'SHEA: Yes.
- 30 GRAINGER: Okay and how long had you been at Lithgow? You in, indicated you were in S&I.

O'SHEA: Yes.

GRAINGER: And what, what exactly does S&I stand for?

O'SHEA: Oh I'm sorry. Security and Investigations Branch, yeah –

GRAINGER: Okay.

5 O'SHEA: - yeah.

GRAINGER: And what positions did you hold at Lithgow?

O'SHEA: At Lithgow I was the Manager of Security, then got a promotion into the Governor ranks or General Manager, then our name changed to Governor recently.

10 GRAINGER: So how long in total were you at Lithgow?

O'SHEA: I think around nine years in total maybe. I, I think from memory I – god it's on the wall there at Lithgow. I know I finished there in – oh god, um, aah two-thousand, when'd I go – 2016, early 2016 I was Governor of Oberon and Lithgow. That, that was under my cluster. Sorry mate I'm
15 just trying to get –

GRAINGER: That's alright.

O'SHEA: - my dates right. I went, then I went to Cooma and Tumbarumba for nine months or 10 months prior to coming here.

GRAINGER: Okay.

20 O'SHEA: I started here in 2017, yeah it would've been 2016 I left that position yeah.

GRAINGER: Okay.

O'SHEA: I think it was 2008 or nine I started there.

GRAINGER: And, and personally do you consider yourself an experienced Governor or General Manager?

25 O'SHEA: Yes, yeah.

GRAINGER: Just some background if we could please, within Corrective Services New South Wales is your conduct as an officer regulated, as is, as certain policies and procedures (unintelligible).

- O'SHEA: Sorry, yeah service of conduct, we, we've got to run by, we've got, we've got policies and procedures with our, our normal everyday duties yeah.
- GRAINGER: And, and do you, can you give me a quick overview of what they are? Just, just a snapshot is fine. What, what's your understanding of what regulates or what – so you've got a Code of Conduct?
- 5 O'SHEA: Yes.
- GRAINGER: Okay and what does that regulate?
- O'SHEA: Oh it regulates our behaviour, how we act, what we're to do, our SOPs or local standard operating procedures, they're for our centre that you know may be how we run a particular area or how that Senior has to run that area. LOPs or local area, local operating orders that are done locally depending on again the area, whether it be activities or 5.1 Unit that we're talk, we're, we're talking about there.
- 10 GRAINGER: Is all the crimes –
- 15 O'SHEA: Use of force, the Crimes Act, yeah use of force comes under our Crimes Act and all that sort of stuff. We have policy and procedure we have to follow there, whether it be assault staff, self harm.
- GRAINGER: Okay, so in your position as GM or Governor – sorry I'm confused on that term (unintelligible) –
- 20 O'SHEA: Yeah I know, yeah I know they've changed it a few times.
- GRAINGER: - times.
- O'SHEA: Yeah.
- GRAINGER: Is it part of your job description to enforce those policies and provisions within the jail?
- 25 O'SHEA: Yes, yes.
- GRAINGER: Okay and do you do that through a, a management team?
- O'SHEA: Well it, it go – there's a chain of command obviously with us. It depends what the incident is but it all generally goes through the MoS, the Manager of Security sorry, and/or the sector manager there, SASC, your Assistant Superintendent. It depends what the incident is, but it generally goes through that process. I, I get, I get, generally get a copy of all that.
- 30

A lot of the – some of the stuff I don't see, but majority of stuff I do see and have to sign off on so yeah there is a process there.

GRAINGER: Alright within, within Corrective Services, how would you describe the internal culture of the organisation?

5 O'SHEA: Internal culture?

GRAINGER: Yeah. Is there an us and them mentality between the officers and, and the prisoners or?

10 O'SHEA: Some may have that, some may have that mentality, but majority especially here, the majority are by far very professional. You, you do get a certain group of people that it's just (unintelligible) us and them if you will, but generally on, on a whole it's all pretty professional, yeah.

GRAINGER: Okay. In your experience, and you've detailed your time as a member of this organisation, have you encountered officers who were prepared to sort of look the other way if something happens?

15 O'SHEA: Depending – there, there's officers that will just follow anyone unfortunately, and there's officers – I don't know about look the other way of – yeah – depending on what it is but I, I – if it does happen it's generally sorted then and there or later on through a manager before it gets to me or –

20 GRAINGER: Sure.

O'SHEA: - if it gets to me.

25 GRAINGER: And I suppose just finally in that sort of line of questioning, is there a sort of a, a cultural aspect of the organisation that you don't, I suppose put it this way, I'll use the colloquial terms, inform on your mates or fear of being labelled as a dog?

30 O'SHEA: That used to be pretty relevant years ago, years ago under different regimes. Thankfully now we're moved completely away from – oh sorry, I believe we've moved completely away from that and it, it's a different culture altogether in that respect. You know there's, you know there's staff now, especially with the new casuals and everything coming through that are, are not of that ilk and are very professional and, and they're taught that way from the start which is fantastic 'cause it's coming through the ground up.

GRAINGER: Okay. Just going back to this, I, I first contacted you on the 8th of December to arrange this interview.

O'SHEA: Uh-hmm.

GRAINGER: Do you recall that?

5 O'SHEA: Yes, yeah.

GRAINGER: And I sent you a copy of a couple of documents.

O'SHEA: Yep.

10 GRAINGER: For the record, for, they are, there's our reference numbers, D10470432. That is a document that is, that was the copy of the use of force incident details and I also provided you a copy of document ref – sorry I'll rephrase it. The first document I provided you was D10451654 and the second one was D10451655. Now I'll just give you a copy of those so you've got them in front of you as we talk.

O'SHEA: Yeah. That was a – you, you sent me two IRMs.

15 GRAINGER: Two, two – yes –

O'SHEA: Yeah.

GRAINGER: - yep.

O'SHEA: Yep. [Reads documents].

20 GRAINGER: Now just in relation to the incident in question, if you can go back to – actually get from you your recollection of the events as they occurred. But I'll start with do you recall this inmate [REDACTED] [REDACTED] at all?

O'SHEA: I don't think I've ever laid eyes on him. I, I may have in the yards or whatever but I don't think I've had much to do with him whatsoever, yeah.

25 GRAINGER: Okay.

O'SHEA: Oh sorry, did you ask me do I know him?

GRAINGER: As in, as – are you aware of him being an inmate?

O'SHEA: Yeah, yes, yes sorry, yes I'm aware of him being an inmate yes.

GRAINGER: So what I'm asking is do you recall the person himself. Do you, you'd know, is, is someone who came to notice to you.

O'SHEA: He came to notice after this incident yeah -

GRAINGER: Okay.

5 O'SHEA: - but so do many, but yeah, but yeah okay.

GRAINGER: Okay. Now going back to the events in question, what do you recall about the 19th of February 2014, in relation to Mr [REDACTED]

O'SHEA: In relation to this fellow, okay. I think it was myself and Mr Peebles, who was my MoS at the time, Manager of Security sorry, I'll try and get -

10 GRAINGER: I, I'm -

O'SHEA: - those terminologies -

GRAINGER: - MoS we understand, that's fine.

O'SHEA: Yeah okay. We were just doing a, a walkthrough as we do down at the STG or ETI, which is Extreme Threat Inmate or the State Threat Group inmates in 5.1. Highly violent offenders so every week or so or every now and then the MoS would go in there fairly regularly. I might go for a walk around the jail once a week or call in and see the inmates in segro or whatever. Excuse me.

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From what I remember of this day, or it was - we went in there, there was disturbance because there'd been disturbance regularly in that area of a lot of use of force, inmates assaulting officers, staff you know just throwing cans and there was, it was a volatile area. Staff were burning out and you know there was, it was, it wasn't a nice place to be for a lot of staff due to the pressures they were under from these inmates. So I, we were just walking through and I was actually in the, not, what do you call it, the officers station so... and there was staff I think feeding at the time either side, I'm not real sure. The, the wing locked in their cells, that particular fellow and that, that partic - oh, William, [REDACTED] -

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GRAINGER: [REDACTED]

30 O'SHEA: - [REDACTED] And I, I can't tell you the other inmate's name at this stage that was, he was in with but I have had him in my Centre since then. But like I can't anyway. They were mucking up, kicking the doors, yelling and screaming and hitting the intercom and, and it was, I just said to IAT or

the Wing Senior, I said “Get in there and see what their problem is and we’ll get the IAT when youse have finished to get in there”. I think then from memory myself and Mr Pebbles walked straight out. We didn’t even go into the unit. And that was that on that particular time.

- 5 GRAINGER: Okay.
- O’SHEA: Then I heard later that there was –
- GRAINGER: Let, let’s just deal with this –
- O’SHEA: Yeah.
- GRAINGER: - at this point of time here. We’ll stop you there and I’ll just go through.
- 10 So you said in summary you were walking through what we understand as 5.1 Unit.
- O’SHEA: Walked down, there’s a corridor, 5.1 if you will is like a – sorry there’s 5.1 and 5.2 and in the middle of that it’s like, in the middle of that is like a, an officers walkway. So we can go into 5.2 or 5.1.
- 15 GRAINGER: Is that, is that a glassed in area?
- O’SHEA: Oh it’s covered in. It’s completely cov – you, you can’t see it from the outside. It’s, it’s, it’s a covered in building, external, no one you know it’s all pretty (draws diagram). That’s 5.2, 5.1 and there’s an officer’s station there and there and there’s interlocked doors and all that sort of stuff.
- 20 Yeah so we were in this officer’s station here, 5.1. They would’ve been on this side probably. I think they were segro inmates and this is all, this SMAP and that’s your ETI and STG were mixed in there. We were in that station there, officer’s station there yeah.
- GRAINGER: Okay. Do you recall who you were talking to in that station?
- 25 O’SHEA: As in?
- GRAINGER: As in did you speak to anyone or you just stand there looking?
- O’SHEA: Yeah me and Mr Peebles were just looking, watching the staff feeding in and out there. I don’t know, I don’t know if I spoke to, or Brad spoke to the intercom or not. I can’t remember meaning – sorry – where the knock ups where the inmates –
- 30 GRAINGER: Yes.

- O'SHEA: - have knock ups in their cell and they will talk back. There's a, sub station there or something staff talk to. And I honestly can't remember if I did or did not speak to him or just, I just said to these guys "Get IAT in there if youse are too busy and see what the hell they're going on with".
- 5 GRAINGER: Okay. So you indicated before that you heard something over the, the –
- O'SHEA: That, that's it, that speaker thing.
- GRAINGER: - knock up.
- O'SHEA: Yeah.
- GRAINGER: Okay, so in that –
- 10 O'SHEA: Here.
- GRAINGER: - in the, in the corridor or the area between the units where you and Mr Peebles were, is there, is there a speaker there that you can hear what's being said is there?
- O'SHEA: No in, in the office there is, in the office there's, oh it's a little box.
- 15 GRAINGER: I, I underst –
- O'SHEA: Yeah, yeah it's a little intercom box I suppose yeah.
- GRAINGER: So when you're in there with Mr Peebles, was there other correctional officers in that office?
- O'SHEA: I would not remember. I got – sorry, I don't remember, I, I couldn't, couldn't tell you.
- 20 GRAINGER: Would it be normal that there would be?
- O'SHEA: Oh not necessarily if they're feeding we'd be going in and, and they could be feeding. One would hope that they keep an officer in there at some stage but at some stage officers do the right thing and just try and get in and get the job done and help each other.
- 25 GRAINGER: So by feeding you mean giving meals to the prisoners –
- O'SHEA: Yeah meals –
- GRAINGER: Yeah.

- O'SHEA: - and their milk, tea and coffee. There could've been, there could've been a Sector Manager with us, which is an SAS, I honestly don't know. I, I couldn't remember or tell you if there was anyone in there –
- GRAINGER: Okay.
- 5 O'SHEA: - truthfully.
- GRAINGER: So you, you indicated that you heard something over the, the knock up –
- O'SHEA: Knock up.
- GRAINGER: - system. Or, or do you recall what was, what was said?
- O'SHEA: Oh no it was just abuse, when we were getting out, because there was a lot
10 of lock ins in that, in that area because of staff shortages and other, other programs that had to be delivered. No it was just you know yelling, screaming, abusing and gonna get youse and all that sort of normal inmate – sorry not all norm – for that area that was an occurrence.
- GRAINGER: Okay so the area we're talking about there, the, you've –
- 15 O'SHEA: 5.1.
- GRAINGER: - labelled them certain things. Is it a - you said a moment, a segro area, segregation?
- O'SHEA: It is segregation. Segregation gets split up into this area. An ETI, extreme threat inmate I think that was, I think it was still STU then State Threat
20 Group, STG sorry, State Threat Group where they're your violent offenders around the system that we have sent in there to do specialised programs. It's been closed because it was just too volatile. There was numerous staff assaults, including psychologists, everything you know. And after I left and that it's been closed since. So that's probably a good
25 thing.
- GRAINGER: So Mr [REDACTED] do you recall whether he was – what classification was he? Was he a, someone in segregation or what?
- O'SHEA: No I think he was just segregation. He wasn't I – I don't believe he was an STG inmate. He would've just been on segregation.
- 30 GRAINGER: Do you recall why?

O'SHEA: Oh no, no. Oh hang on, unless it may have been – no, no I'd be guessing. But I, I thought when I got this, I thought from memory if there was something there about, no, a shiv or something like that. But he, he may have been one of the guy - a lot of them carry shivs in jail, especially at Lithgow for their own protection because they get paranoid and that's what they do. And he could've been one we've had in there two or three times that was always carrying shivs. I, I honestly can't recall –

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GRAINGER: Okay.

O'SHEA: - them all mate.

10 GRAINGER: So you said you heard something and –

O'SHEA: Yeah.

GRAINGER: - you, you – what did you do after that?

O'SHEA: Oh just I – as I said I just said to the staff “Get IAT down here or if you guys, if you guys can't deal with him, youse are too busy, get over there, see what they want or get IAT down there”. I don't know if I, me or Mr Peebles called IAT or, or I just said it. I wouldn't even be able to tell you who the Senior of the day was to tell you the truth Paul.

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GRAINGER: That's okay.

O'SHEA: And then virtually we went out.

20 GRAINGER: So you indicated that earlier that you may have said something, though you're not certain, back is that –

O'SHEA: Sorry?

GRAINGER: So when – you've heard the abuse over the knock up system –

O'SHEA: Yeah.

25 GRAINGER: - what you just told us. And then you've indicated to us that you asked either the staff to deal with the problem or call IAT to deal with it.

O'SHEA: Call IAT.

GRAINGER: What does IAT stand for?

O'SHEA: Sorry, Immediate Action Team.

GRAINGER: And who are they?

O'SHEA: Pardon?

GRAINGER: Who are they?

5 O'SHEA: The Immediate Action Team, they're the Centre team that looks after, to respond to any incidents that may be a threat to security for the Centre or other inmates or staff. And, and they deal with targeted searches, cell extractions, staff training all, all that. They're, they're a, supposed to be a next level up I suppose if you will for a first responding officers yeah.

GRAINGER: Okay so what are they usually used for? What's their core duties?

10 O'SHEA: Core duties are anything the MoS you know deems necessary on the day or the intel that they, they work all pretty closely together those, those three, or should. Mainly cell searching, gathering evidence for different external agencies, police or whatever it may be or investigation to bag and tag different things. If there's a, a, a violent inmate that's in cell or is, you

15 know they may have to you know extract him or if he's armed up or whatever it may be they'll use chemical munitions or what is required to do, to deal with your more difficult inmates. They do crime scene preservations, all, all that sort of stuff yeah.

GRAINGER: So you indicated that you'd spoken to staff or perhaps the MoS who was with you, Mr Peebles.

20 O'SHEA: On that day yeah.

GRAINGER: And you've asked for some action to be taken. My words, not –

O'SHEA: Oh I, yeah I didn't ask Brad to take action.

GRAINGER: Alright.

25 O'SHEA: No, no. Brad and I were just there so the MoS and I were just there and you know to get, to find out what's going on there with these fellows and, and see what they want, see what's going on, because they were just all kicking up and going off.

GRAINGER: Okay.

30 O'SHEA: It's a regular occurrence on that side of the fence.

GRAINGER: Yep.

- O'SHEA: And soon as someone starts they can kick 'em off you know, tend to send the whole wing off –
- GRAINGER: Sure, I see.
- O'SHEA: - if you know what I mean yeah.
- 5 GRAINGER: Now was it only one – so assume, pardon my ignorance, each cell has a knock up?
- O'SHEA: Yes that's correct.
- GRAINGER: An, an intercom, so was it only one cell that was using it or was there more than one near the cell or –
- 10 O'SHEA: Oh sorry, I, I – using it as – using it –
- GRAINGER: As you said –
- O'SHEA: - oh –
- GRAINGER: - you said you heard –
- O'SHEA: Yeah.
- 15 GRAINGER: - abuse coming over the –
- O'SHEA: Yeah that, but that can only be used from that cell.
- GRAINGER: Okay so only one –
- O'SHEA: So you could – say, say it was Cell 10 that comes up on the little box monitor thing in there, Cell 10 –
- 20 GRAINGER: Okay.
- O'SHEA: - or cell whatever -
- GRAINGER: Alright.
- O'SHEA: - from memory. I was always hopeless at using it and, because there's buttons you've got to push and another one you got to pull up to talk to –
- 25 GRAINGER: Okay.
- O'SHEA: - so they didn't like me playing with that.

- GRAINGER: So, so it's easy to identify when you're in at the console about what cell is –
- O'SHEA: What cell is calling yes.
- GRAINGER: Okay alright, okay so you could identify or saw what –
- 5 O'SHEA: Yes.
- GRAINGER: - cell it was coming from?
- O'SHEA: Yep.
- GRAINGER: Okay, clear now, right.
- O'SHEA: Sorry.
- 10 GRAINGER: Now with that you indicated that you and Mr Peebles left the area –
- O'SHEA: Yeah.
- GRAINGER: - after. So just run me through exactly what happened? You've had this conversation with the staff or did some –
- O'SHEA: Oh, oh virtually what was happening is that they're feeding and you know
15 the kick up and the knock up and everything else and they were doing the kicking. They were feeding the inmates and putting the milk etcetera or bread or lunch, whatever they were doing, whatever – didn't even know what time of the day it was. It probably would've been in the morning 'cause we were doing all, walking in mid-morning or something and they
20 were doing that. I think it was locked in that area for that day due to staff and everything else, staff resources. I, I'm, I don't know if I said it to the Senior, I don't even know who the Senior was or if there was an AS there or something like that, said that, turned around walked out. I didn't engage in anything else really.
- 25 GRAINGER: Okay.
- O'SHEA: We went out, just done the rest of the Centre, walk around, went back to my office -
- GRAINGER: Okay.
- O'SHEA: - from memory yeah.
- 30 GRAINGER: So do you recall speaking to the inmate at all?

O'SHEA: That inmate?

GRAINGER: Yeah, Mr [REDACTED]

5 O'SHEA: Unl – as I said, if it was over the PA, over that knock up system, I may have said “Be quiet” or “Shut up, they’ll be there soon, it’s a lock in”, something like that. That’s if I worked it properly. I don’t even know and I can’t remember if I’ve done that because I was always –

GRAINGER: Okay.

O'SHEA: - slapped and said get away, you can’t use it. That was by the staff not –

GRAINGER: Yep.

10 O'SHEA: - yeah.

GRAINGER: So, so I’m clear, your recollection is that –

O'SHEA: I wouldn’t even know if it was [REDACTED] I wouldn’t know the name, so –

GRAINGER: Okay.

O'SHEA: - I knew the cell.

15 GRAINGER: You so, so you – it’s possible that you may have spoken to the inmates of that cell through the system, though you’re not certain.

O'SHEA: That’s correct.

GRAINGER: Okay.

O'SHEA: Yeah.

20 GRAINGER: So at any time did you go to the cell itself to talk to the inmates?

O'SHEA: Not to my knowledge no.

GRAINGER: Okay. So what’s, what’s the next thing that happened that day in relation to Mr [REDACTED] do you recall?

O'SHEA: (Sighs) With, with Mr [REDACTED]

25 GRAINGER: Mmm.

O'SHEA: Aahh, yeah we just walked out. We walked out as I said. I think IAT were outside out here somewhere –

GRAINGER: Yeah.

5 O'SHEA: - and or coming in, I'm not real sure, and they were going into that area. Then there, I heard later on that there were use of force or you know there was, they've, IAT have gone into that cell and then there was talk around, I think it was [REDACTED] that was injured ribs I think they said. I don't know if it was that day or the next day.

GRAINGER: Okay, we'll - I'll just, I'll just stop you there.

O'SHEA: Yeah.

10 GRAINGER: So just run through, you said you've left that area and continued with your, your walk around the prison.

O'SHEA: Yeah.

GRAINGER: You've indicated you've heard something may have occurred.

15 O'SHEA: Yeah, through the MoS or something on the day that there was a use of force later on and yeah there would've been a package thing. It wasn't - I didn't hear anything over the radio I don't think or, or go back there anything like that. We just continued on with our business and the SAS or MoS may, would've tol, someone would've told me later on that there was a use of force in that area.

GRAINGER: Okay.

20 O'SHEA: Which was Stevie Davis maybe or Mark, anyway, yeah.

GRAINGER: Someone. So -

O'SHEA: It was one of my SASs.

GRAINGER: Yes.

25 O'SHEA: Like Steve Davis or Mark Kennedy or Brad, I'm not real sure who. Not Stevie Davis, Stevie Taylor.

GRAINGER: Okay.

O'SHEA: Sorry, Stevie Davis is a Superintendent at (unintelligible).

GRAINGER: It's Steve Taylor.

- O'SHEA: Yeah, Stevie Taylor was an SAS of Sector 2. If Brad was there on duty Steve would've been doing – Mark Kennedy was also an SAS – sorry Mark was there as a – he's an MoS, he was an MoS at this stage.
- GRAINGER: We understand the reasons –
- 5 O'SHEA: Oh sorry.
- GRAINGER: - Mr Kennedy was there.
- O'SHEA: He – hey?
- GRAINGER: We understand why Mr Kennedy was at Lithgow at -
- O'SHEA: Oh okay well I won't go into that.
- 10 GRAINGER: - that point in time yeah.
- O'SHEA: I won't go into that, yeah. But I don't know if he was there on that day because of the – as I'm trying to work out who told me or whether it was Brad or Stevie about a use of force.
- GRAINGER: So if, if there was a use of force in, upon an inmate –
- 15 O'SHEA: Yep.
- GRAINGER: - what would be the normal chain of command that would, would kick in?
- O'SHEA: Whoever, whatever area it was in, say it was in Sector 1 or 2 – that's Sector 2 there – if it was in Sector 2 they'd notify the SAS. The SAS would ensure that all the reports are in and give a covering report to, or give the reports to the MoS in a package. If it was just a, if it was an incident or the MoS would look at it and have a look at it, say yeah, yay or nay, use of force, no further action required, action required, put his or her comments on it and once that's all done collate it up to my office through my PA and – I, I may not get it that day and maybe sometimes it can be two and three days later, depending on staff going on days off -
- 20
- 25
- GRAINGER: Yes.
- O'SHEA: - and the nature of the incident etcetera, and then coming up to here yeah.
- GRAINGER: Okay.
- O'SHEA: Oh sorry, to, to that (unintelligible) yeah.

- GRAINGER: So going back to who told you what –
- O'SHEA: Uh-hmm.
- GRAINGER: - can you clarify what you recall about being told?
- 5 O'SHEA: Well there was an incident in 5.1 with that cell. For the life of me I can't think of the other inmate's name. I didn't even know [REDACTED] name when they were doing that to tell you the truth, I can't remember that, but I, I don't know the inmate. It would've been there was an incident in that area –
- GRAINGER: Okay.
- 10 O'SHEA: - in that cell sorry.
- GRAINGER: So what were you told about the incident?
- O'SHEA: From memory I think one of them left the cell as in, you know, was told to whatever and the other fellow, [REDACTED] run at or was verbally or arguing with the IAT and one of them took him to ground or Mr Walker, the then SEO of the IAT, took him to ground or they fell on the toilet or something like that. I – that's what I can remember, but I don't know if it was that day or another – the next day, I'm not real sure there.
- 15 GRAINGER: That's fine. So just going on you, you've indicated that you've been told certain information. Are you able to identify who told you that?
- 20 O'SHEA: It may have been Mr Taylor, Ste – I, I can't be a hundred percent sure.
- GRAINGER: That's alright, just do your best that's all.
- O'SHEA: Yeah I, I think it was Mr Taylor. Yeah that's my best guess there. I don't think Brad had – 'cause I know Brad went off or went, went off after that or something yeah, yeah.
- 25 GRAINGER: Okay so it may have been, and Mr Taylor was what role at that point in time?
- O'SHEA: On that day he was an SAS, Sector 2 in charge of that area.
- GRAINGER: Okay, okay.
- O'SHEA: Oh that – have you got a roster? I presume he was, I –
- 30 GRAINGER: I did have a roster. I might be able to assist you with that memory.

O'SHEA: Sector 2 it'd be, just here.

GRAINGER: I'll show you this document, which is the roster for the 19th -

O'SHEA: Oh.

GRAINGER: - of February 2014.

5 O'SHEA: Ta.

GRAINGER: That may assist you identifying who was who.

O'SHEA: Hmm. So this was the first day?

GRAINGER: That's the day in question we're talking about now, the 19th yes.

10 O'SHEA: Oh okay well I thought, well me and Brad went for a walk. Brad must have been – was he on detached duty or something? [Reads document]. Ah there yeah, Brad was on detached duty sorry and that, that was when we were going through, I think they wanted bed increases and extra inmates in there. I'm not real sure why he was on detached duty -

GRAINGER: Sure.

15 O'SHEA: - I can't remember. But Brad yeah, Pebbles, the, this gentleman here -

FOX: Yes.

O'SHEA: - was the – he's my regular MoS –

FOX: Yes.

20 O'SHEA: - brilliant operator. Squ, Squizzy, or Steve Taylor was the Manager of Security. I'm ninety-five percent sure Steve Taylor wasn't, it was Brad and I that went up there. It wasn't Steve that day.

GRAINGER: Alright. So –

O'SHEA: That's what the confusion is. I was wondering why – yeah okay, thank you I'll shut up.

25 GRAINGER: That's, that's clarified it for you, okay.

O'SHEA: Yeah.

GRAINGER: Now you've indicated you've been told something on the 19th that there may have been, or there was a, a use of force –

O'SHEA: Yeah.

GRAINGER: - let's say and you've indicated, you've given us a version of what you recall. Just tell me again what you recall took place?

5 O'SHEA: I recall that, I was informed obviously by Squizzy that there was an incident up in 5 Unit and one of the inmates was hurt, yeah.

GRAINGER: Okay.

O'SHEA: And I said "Well it's a use of force virtually, get me the package".

GRAINGER: Alright. Were you told what the injuries to the inmate were?

10 O'SHEA: I was told that it was, from memory, it was rib injuries or something like that from toilet, like – not a toilet – yeah like falling over or fighting in, in the cell with Mr Walker I think it was, yeah.

GRAINGER: Alright so Mr Walker is, is Terry Walker, Terrence Walker?

O'SHEA: Terrence yeah.

GRAINGER: Known as Tex?

15 O'SHEA: Yeah that's correct. He's no longer with us.

GRAINGER: Do you know who was also a part of the IAT team on that da, IAT team on that day?

O'SHEA: Yes. I'm pretty sure it was young Simon Graf and Elliot Duncan. They were the regular team in there.

20 GRAINGER: Okay. Were there any other staff members involved in IAT?

O'SHEA: On that day?

GRAINGER: Hmm.

25 O'SHEA: Oh god I, I couldn't tell you, not off the top of my head. I presu – I, I only ever run with three IAT at that, but unless they were doing training or something, unless the Security Investigation Team were in there. I don't know but to, to my knowledge, it was only those three on that day.

GRAINGER: Okay. After you'd been told by, that there's been an incident and you've indicated you, you asked for a package to be pre, prepared –

O'SHEA: Yeah we – just normal, that's just a normal –

GRAINGER: Okay.

O'SHEA: - occurrence yeah.

GRAINGER: Do you – what happened after that?

5 O'SHEA: I wouldn't have dealt with much. I don't know if the package came up
that day or the next day, I wouldn't have a clue. I think I told Steve
Taylor – ah Steve, yeah Steve Taylor, I think he said there's an incident. I
might've said well I want it because he was, the inmate was injured. I said
it has to be use of force, not an incident because soon as a – soon as I say,
10 grab your arm or, or, or put my arm out to stop you and, and I touch you,
that's regarded as a use of force. So it has to be recorded as a use of force,
that's, I would've, I think I've told him to go back and do it as a use of
force.

GRAINGER: Told who sorry?

O'SHEA: Sorry, Mr Taylor.

15 GRAINGER: Mr Taylor.

O'SHEA: Yeah.

GRAINGER: Alright.

O'SHEA: Which he would've went back and got the other staff to do.

GRAINGER: So where did - this conversation with Mr Taylor, where do you recall –

20 O'SHEA: Probably over the phone.

GRAINGER: Over the phone?

O'SHEA: Probably, or he could've come up to my office or I, I don't know.

GRAINGER: Alright.

O'SHEA: Yeah.

25 GRAINGER: So you've had this conversation. What happened then?

O'SHEA: Oh god, um, I think Intel or what do you call them, IAT or someone, I
think they were all over the phone and listening to phone calls because he
was making threats that he was going to get his father onto us or
something like that.

GRAINGER: Yeah.

O'SHEA: And – sorry, I don't mean to be flippant, but this happens and, and it's just I, I don't remember all cases –

GRAINGER: That's, that's –

5 O'SHEA: - because it's –

GRAINGER: - understandable.

O'SHEA: - it's, it's part of our role. But when it, when it comes to staff threats, you know you do prick up a little bit or you, you (unintelligible) but I know there was talk, his father being affiliated with some motorcycle gang, couldn't tell you which one at this stage. He was making threats on the phone apparently. This is all second and third hand I'm getting from Mr Taylor and, I don't know if Mr Kennedy and Intel and all of that. It might've been Tex Walker and all them too, they may have – I've got no idea. But I, I think it wasn't until the next day or that afternoon that I got this information that someone was gonna shoot us or something on the highway, which has been said a thousand times, a thou – it's, it's been said regular and I said yeah, yeah. And the father I think he had that conversation with his father, that was it.

10

15

GRAINGER: Okay so someone's told you that information?

20 O'SHEA: Yeah they've just informed me of that yeah.

GRAINGER: And what happened after that?

O'SHEA: I don't know. I, I presume they've gone back the next day, acted on the in, information over, they've heard on the phone or something and, yeah that he was, his father or he – the father was gonna shoot us or he was gonna stab us, or not me personally but officers and yeah I, I, I don't know much after that yeah. Yeah I mean sorry, I don't know what took place down there in the jail after that.

25

GRAINGER: Okay.

O'SHEA: Yeah.

30 GRAINGER: So whose responsibility is it to sort of have a working knowledge of what's going on in particular wings in the prison? Is it within the management structure?

- O'SHEA: Yeah it's at the man – sorry, the Second Manager and Manager of Security you know, they've the ones that are – if it's that area say, Steve Taylor. Does. does it say Sector 2 there mate? I didn't look at that 'cause I only saw Stevie up there. God I can't remember this roster.
- 5 FOX: Sector 2 down there.
- O'SHEA: Oh sorry. Okay Phil Turton, yeah well Phil and Steve and McMurtrie, McMurtrie is Intel, Brian McMurtrie was the Intel Officer. Phil Turton is the SAS, or Sector Manager 2 of that area and Stevie Taylor was the MoS. Now that's on that day. That's you know, the Sector Manager MoS run their area – or sorry, the, the MoS runs the Centre so to speak and there's staff on the ground and he, Phil Turton runs his area and you're dealing with all the little egos there and jealousy because they're both SASs, the one's acting up, one's not acting up. Sometimes that plays a part with these particular two.
- 10
- GRAINGER: So who are we talking about here?
- O'SHEA: Mr Turton and Mr Taylor. Is Mr Kennedy on that day?
- FOX: I don't believe so. I think he was on duty the following day.
- O'SHEA: That's right yeah okay, well he's on the next day right. Mr Kennedy as you know we were, was also, was also an SAS. I don't know where he was the following day but he may have gone into Sector 2 because you sometimes backfill up. He was – I used him as a reserve either one or two, Sector 1 or 2 yeah.
- 20
- GRAINGER: So indicating from what, just clarifying what you said then, is there some animosity between Mr Turton and Mr Taylor, is it something?
- O'SHEA: Oh Mr Turton in most, some, most of the executive staff there they've appeared at some stage. Main, mainly the SASs and I know Mr Taylor and Mr – sorry, Mr McMurtrie was definitely no love lost there in either camp.
- 25
- FOX: Alright sorry, just clarify, you – so no love lost between Taylor and McMurtrie?
- 30
- O'SHEA: No sorry, Mr Turton –
- FOX: And both of those two?
- O'SHEA: Yes.

FOX: Right okay.

O'SHEA: Yeah sorry. Mr Turton and Mr McMurtrie yes.

FOX: Oh okay.

O'SHEA: Yeah.

5 FOX: What about Turton and Taylor?

O'SHEA: Very jealous of each other if one gets an extra shift above another one. It, it's just a – ah, yep – managing that sometimes yeah it was difficult, yeah.

GRAINGER: Okay so we're going through what you're recollection of events were. I think you said to us that there may have been a phone call and then
10 subsequently some action may have been taken in relation to that phone call?

O'SHEA: Yeah, yeah I, I don't even know if I – yeah there, there would've been action taken I'm sure. Mr Taylor and you know if there, you know if there's knives and the threats are being made or whatever, they would've
15 gone in and I – they would've sent IAT or someone in or, or to do the search the next day.

GRAINGER: Okay.

O'SHEA: Yeah.

GRAINGER: Okay. Again, do you get a report of what had occurred on the following
20 day?

O'SHEA: On the 20th?

GRAINGER: On the 20th yes.

O'SHEA: A, a report –

GRAINGER: So you, you said -

25 O'SHEA: - of that day or?

GRAINGER: - you said there'd been, this phone call's occurred?

O'SHEA: Yeah that's correct yeah.

GRAINGER: And you said that you advised that the phone call –

O'SHEA: Yep.

GRAINGER: - had been –

O'SHEA: Yep.

GRAINGER: - occurred.

5 O'SHEA: Yep.

GRAINGER: You'd been told what was in it.

O'SHEA: Yeah.

GRAINGER: And then it's possible some action was taken after that.

O'SHEA: Yeah.

10 GRAINGER: You – and – but I'm asking you did, were you told –

O'SHEA: Yep.

GRAINGER: - what happened during that action on the 20th?

O'SHEA: I, I think I was, yes I was told that they found drug paraphernalia or drugs. I don't know if they found a shiv or I can't remember. And I honestly
15 can't remember if there was another use of force then and there. I, I – no, no. I don't know if there was another use of force. Can I ask a question?

GRAINGER: Sure yeah.

O'SHEA: The three IAT, from – I had to put – or it was put up to PSB. I don't know
20 if it was this case or not, Professional Standards Branch sorry. And the three of them were – I think Mr Walker got a \$1,000 fine and the other two POs, which was Duncan and Graf, got a \$500 fine. I had to give them that fine and go through that with them. I don't know if that, that was even for this incident. Do you – can you tell me or – I, I was trying to rack my brain the other day about this.

25 GRAINGER: My un, our understanding is that the fine was in relation to the 19th.

O'SHEA: Right okay. Well in that – well I would've had to put that up to PSB so yeah, yeah I don't know, I can't remember. Oh that's why – yeah. It's too long ago. I know this is silly but I have – you know we go through uses of force –

- GRAINGER: Sure.
- O'SHEA: It's just yeah.
- GRAINGER: I understand.
- O'SHEA: It's ugly business.
- 5 GRAINGER: With – you indicated you, your recollection is that they may have found drug paraphernalia in the cell on the 20th when that (unintelligible) –
- O'SHEA: That's correct.
- GRAINGER: - was searched.
- O'SHEA: Yeah.
- 10 GRAINGER: Do you recall if they found anything else?
- O'SHEA: Oh, unless I had the reports I, I can't really recall everything. I, I, I think they were looking for a shiv, but I can't even re, recall if they found that.
- FOX: You said drug or drug paraphernalia –
- O'SHEA: Yeah.
- 15 FOX: - that's the response. You weren't entirely sure.
- O'SHEA: Yeah you've got – drug or drug paraphernalia, yeah I'm not real sure if it was a, pills, ice, I don't – I can't recall exactly what it was, whether it was a fit or whatev – oh sorry a syringe yeah. If, if I did – have you got reports, I don't know?
- 20 GRAINGER: I've, I've got the reports here. I'm just trying –
- O'SHEA: Oh okay see what –
- GRAINGER: - what you recall -
- O'SHEA: Okay, sorry yeah.
- GRAINGER: - and then we'll get into the reports in some detail.
- 25 O'SHEA: Yeah okay sorry.
- GRAINGER: Yep.

O'SHEA: Yeah well that's all I can – off the top of my head that's all I can recall. Yeah there was drug paraphernalia and what exactly that was I don't know. Oh sorry, I can't re, recall now.

5 GRAINGER: Okay. I'm just going to move through reports now. Tim do you want to clarify anything before we go into that?

FOX: Just a ... just a couple of, the one question really. You said that you were down at the 5.1 area.

O'SHEA: Yeah.

FOX: And that you called or had instructed that IAT be called.

10 O'SHEA: No I didn't instr – I just said “Guys deal with that. If you can't, if you're too busy or whatever, get IAT down” or something like that.

FOX: How would IAT be called?

O'SHEA: Radio.

FOX: Through radio.

15 O'SHEA: Yeah.

FOX: Okay.

O'SHEA: Not a duress or anything like – sorry we have a duress also –

FOX: Yeah.

O'SHEA: - on our (unintelligible) belts.

20 FOX: Yeah.

O'SHEA: But it would've been via radio.

FOX: So that –

O'SHEA: And I don't know if it –

FOX: That wasn't you?

25 O'SHEA: I – as I said I don't know if it was a Senior I did that – sorry, told that to or I called them on the way out.

FOX: Right.

O'SHEA: I mean called them by radio, not by phone. Excuse me.

FOX: Okay. And you said that you saw IAT, as you were leaving you said you saw IAT at 5.1.

O'SHEA: No I didn't see - as I was leaving 5.1 -

5 FOX: Yeah.

O'SHEA: - I saw them coming in somewhere. I didn't see them in there.

FOX: Oh okay.

O'SHEA: Yeah.

FOX: You said you did - you're just indicating on that piece of paper -

10 O'SHEA: Sorry.

FOX: - you saw them coming in -

O'SHEA: Yeah well as I was leaving -

FOX: Yeah.

O'SHEA: - I, I don't know where I run into them at, but my, myself and Mr Peebles
15 walked past them as they were either coming down there or coming in the side door of that place. I, I can't remember.

FOX: Alright and was there any interaction between you and members of the IAT?

O'SHEA: Go down and sort, and sort them, or help them out, meaning the staff.

20 FOX: Okay, you recall that?

O'SHEA: No I'd, I would've said something like that.

FOX: Yeah.

O'SHEA: I, I don't recall exactly what I said no.

FOX: Who would've you said that to?

25 O'SHEA: Mr Walker. As in, as in a Senior I would've just - as I'm walking past go and see what they want down there and sort that out.

FOX: Alright.

- O'SHEA: As in that's it, help them out, meaning the staff. But that's all the conversations really you have on the run you know. You're just walking and it's just going to the next job or whatever yeah.
- GRAINGER: Just have a look at the next reports now John.
- 5 O'SHEA: Oh thank you.
- GRAINGER: I'll show you the first one. It's document reference, this is Commission reference D10451654. It's a report which is number 92719 and the date occurs is the 19th of the second, 2014 under the hand of Terrence Walker. I'll ask you to have a read of that.
- 10 O'SHEA: Uh-hmm. [Reads report]. Uh-hmm.
- GRAINGER: So if we can just – hang on – refer to that.
- O'SHEA: Oh sorry.
- GRAINGER: This is the report of a, the incident by, completed by Terry Walker, Terrence Walker. You can see there's a, a summary paragraph to the document about a third of the way down. And it says "During an intel based search, IAT were detailed by the MOS to search cell 208 in 5.1 unit, specifically to look for bupremora". I, I can't pronounce it.
- 15 O'SHEA: Buprenorphine.
- GRAINGER: Thank you. Now that is in conflict with what you've just told us.
- 20 O'SHEA: Yeah well I've got no idea why. I never said, I've never said go in there and search for buprenorphine. I would search – the MoS, which was Mr Taylor on the day. I can't even remember Squizzy, sorry Mr Taylor being there. Well he wasn't with me and Mr Peebles I don't think. He may have been walking behind us but I didn't see him, yeah.
- 25 GRAINGER: So on that day you recall if there were searches being conducted?
- O'SHEA: In 5.1?
- GRAINGER: Anywhere in the prison?
- O'SHEA: There could, could've been a lock down search. I, I can't remember the actual day what was happening in and around the rest of us. It could've been mate, I don't know. See the MoS runs a lot of that oh, you know and
- 30

he'll just inform me in the morning I've got the Centre locked down sir, we're doing monthly searches or we doing this, this and this yeah.

GRAINGER: So is - in relation to an intel based search -

O'SHEA: Yes.

5 GRAINGER: - to me that sounds like something that is a planned operation.

O'SHEA: Well they're obviously targeting a particular item or, or, or thing, yeah -

GRAINGER: So -

O'SHEA: - the Intel Officers.

10 GRAINGER: In relation to a search of that type, is there a certain policy or procedure they must adhere to?

O'SHEA: Well video operating for a start, if it's an intel based search yeah. Yeah, you're right, it should be video operated, it should be Officer O'Shea on camera and Officer Smith, Officer Jones, whatever it may be yeah, there's.

GRAINGER: So in relation to that the, the - if a search is going to be conducted -

15 O'SHEA: Yep.

GRAINGER: - on a cell -

O'SHEA: Yep.

GRAINGER: - who is advised that is going, that that is going to occur?

O'SHEA: Oh -

20 GRAINGER: If there was an inci -

O'SHEA: - a Sector Manager, the Wing Senior, it depends where it is. But if it's in this particular area, it could be just the Wing Senior and IAT through the Intel Manager. If the Intel Manager has said guys I'm looking for this item or he should have this or they should have that, he might tell the
25 MoS, he might tell the Sector Manager, he might just tell IAT. I, I, I don't know. That happens daily without my knowledge yeah.

GRAINGER: And then is -

O'SHEA: I don't know every search yeah.

- GRAINGER: - is a, something like a set of a, an operational briefing or a set of orders drawn up for such a –
- 5 O'SHEA: Not necessarily orders all the time. They may have a briefing just in an office or in the intel office or in MoS office. They might just say okay guys I want cell 38 done. What cell's the inmate, cell 208 done today, I'm looking for this.
- GRAINGER: Yep.
- O'SHEA: It's not necessarily orders 'cause they could you know, it could be 15 of those that they do and whenever yeah.
- 10 GRAINGER: So are you given a, a summ – as the Governor, are you given an aid I suppose at some point in time, an indication by a member of your staff they intended to do a search on a certain cell or inmate?
- O'SHEA: As the norm?
- GRAINGER: Uh-hmm.
- 15 O'SHEA: No not necessarily. I mightn't know about seventy percent of them that go on in, in the Centres. It's just the MoS, the Manager of Security, Intel, IAT do the – the Wing Seniors can do their searches in their wings without them, you know, notifying us or even their Sector Manager. They can just do wing – sorry cell searches on I suspect something's going on there and take their PA with them and go up and search the cell.
- 20 GRAINGER: Alright is there some record at some point kept about searches conducted within wings or cells?
- O'SHEA: Yeah there is, there's cell regis – sorry cell register. There's a search register etcetera. IAT are – should keep their own reg, register and, and record of if they've searched a cell or especially if it's targeted. I'm sure it would be kept.
- 25 GRAINGER: Are there wing –
- O'SHEA: Not, doesn't really come to me as much.
- GRAINGER: Are there wing records kept? So the Area Manager keeps a record?
- 30 O'SHEA: There, there – no I – the, the wing itself there is there, but if they don't do it, they mightn't necessarily put in that IAT did a search or something like that. They mightn't put that in if they're, if they're not part of the search

or didn't do it 'cause they're, they've got to think from memory six cells to do in a day or whatever it may be in an area.

GRAINGER: So on, on the day in question, the 19th –

O'SHEA: Yeah.

5 GRAINGER: - Mr Turton was the SAS running that area.

O'SHEA: Yeah, uh-hmm.

GRAINGER: Would it be normal for Mr Turton to be aware that a cell, a search is going to occur in a cell that he is in charge of?

10 O'SHEA: In that sector, not necessarily. It, it could – to me I would expect my – especially in that area, IAT or Intel if they're gonna do a search in there just let the Sector Manager know or the MoS know so he can tell the Sector Manager, whatever it may be. But it doesn't necessarily mean that that Sector Manager may know then and there that that search is going on. In that particular area I would like to hope so.

15 GRAINGER: And whose responsibility would it be to tell the Sector Manager that something is going to occur?

O'SHEA: If the MoS knows the MoS should be telling, or the IAT Senior or the Intel, which would never have happened, those two.

20 GRAINGER: Okay. Does the Intel Manager have authority to conduct searches of this type without involving the MoS?

25 O'SHEA: Yeah he can ha – well he or she can – if, if he got suspicion of something going on yeah the, the, they're an Assistant Superintendent rank or that particular person was, who's no longer with us as well. I'm sure you know that. But he was an AS rank, an Assistant Superintendent rank, one below an SAS and one above a Senior. So he doesn't necessarily have to tell the SAS that they're doing a, a targeted search or doing a search 'cause, because we, it could be bang, a spur of the moment thing. Right they've got it there now, let's go, IAT this is happening or whoever – whatever he does with the team and that. I like them, they all worked well together here. IAT, Intel, Sector Managers and MoS you know I've got a
30 fantastic team so muddy waters. I don't know if it happened or not, wouldn't have a clue.

GRAINGER: Would you expect it to?

- O'SHEA: I'd expect my – in that particular area, I, I, especially after the previous day, I'd expect my Intel, whoever's doing that char, doing that, leading that -
- GRAINGER: But we're talking about the 19th, this is the same day - is, is –
- 5 O'SHEA: Oh okay, no, no well the Intel Officer that, that – nah, um, um – that same day I didn't even know, I, I can't remember Brian being around me that, that morning when we were going there. It was just Brad and I, I thought, that's the best of my recollect, recognition there.
- GRAINGER: So just so we're clear, the report we're dealing with now is the report
10 submitted by Walker –
- O'SHEA: Yeah, yeah.
- GRAINGER: - the 19th -
- O'SHEA: Yep, okay then.
- GRAINGER: - which relates to the initial search –
- 15 O'SHEA: Yeah.
- GRAINGER: - as per the report –
- O'SHEA: Yep.
- GRAINGER: - of the cell.
- O'SHEA: Yeah.
- 20 GRAINGER: Subsequent to that there was another search the following day –
- O'SHEA: Yep.
- GRAINGER: - but we're just dealing with the 19th at this point in time.
- O'SHEA: Okay right, okay sorry yeah I jumped the gun on that one. That's where I thought you were going.
- 25 GRAINGER: No problems at all. I was just dealing with the content of Mr Walker's –
- O'SHEA: Mr Walker, yeah.
- GRAINGER: - report. It says that there was an IAT cell based search and we were discussing about who should've been aware that a search was going –

O'SHEA: Yeah.

GRAINGER: - to take place.

O'SHEA: Yeah. Well the Sector Manager, sorry the Sector Manager and the IA – and the Intel should've liaised with each other and should know about it.

5 GRAINGER: Okay. Well let's just deal with the, the next couple of sentences in that summary. This, this talks about as the officers entered the cell [REDACTED] running towards the back, towards the toilet –

O'SHEA: Yep.

GRAINGER: - tripping and falling over cell furniture and falling onto the toilet seat.

10 O'SHEA: Yeah.

GRAINGER: Now we understand that injuries were occasioned to Mr, ... inmate [REDACTED] during that incident and you've indicated to your recollection were ribs –

O'SHEA: Yep.

15 GRAINGER: - okay. Recall, do you recall any other injuries occasioned to him?

O'SHEA: No I don't, unless I saw – sorry oh mate I, I can't remember, it – no I, I don't. I thought it was just a rib injury. That's what I was told.

GRAINGER: And did you talk to Walker at all about it?

O'SHEA: Terry, Terr –

20 GRAINGER: Yeah Terry Walker.

O'SHEA: - Tex yeah. I, I may have that afternoon or later on if he come and saw me because he was, a lot of issues that I was dealing with Mr Walker on a raft of different areas external to work. He wasn't a well person and had a lot going on, but I, I honestly can't remember having a, a big conversation with Mr Walker at all really, yeah. I, I may have, I don't know if I've done it in writing. I, I can't remember any of that sort of. If it's there I may recall but I can't recall talking to him.

25

GRAINGER: Okay.

O'SHEA: Yeah.

GRAINGER: Do you recall speaking to the other IAT members who were present, which you've indicated you recall as being Elliot Duncan and Simon Graf?

5 O'SHEA: No, unless they all come up for debrief later. Sometimes we do a debrief, or most times we do a debrief if, if there's you know, but the MoS generally does all that in his office, you know when they're doing the package. If it's a serious incident I'll, I'll ask for a debrief for everyone and go out and address people, that's –

GRAINGER: So what, what would be a serious incident?

10 O'SHEA: A serious incide - there's a major disturbance in the Centre and there's been staff injuries etcetera or an inmate's been seriously injured via another inmate or us or due to the riots, whatever, that sort of stuff. And we get all staff involved, sorry all staff that were present and just say okay guys this incident happened today, how are youse going, do you think it should've been handled this way or this way. Just a go around the room
15 and, and a, a debrief on how everyone's going and about the incident, offer trauma counselling, all that sort of stuff.

GRAINGER: Staff welfare type issues.

O'SHEA: Yep, yep.

20 GRAINGER: Performance improvement things.

O'SHEA: Yep, yep exactly like yeah have a look at that, we need to work on that, we'll get some training for you people over here in relation to that, whatever it may be.

25 GRAINGER: So you issue – you indicated there that there are serious injury to an in, inmate –

O'SHEA: Yep.

GRAINGER: - what, what is a serious injury?

30 O'SHEA: Oh anything that can, requires hospital. Like you know going out to a hospital really or you know, broken bones you know, like unconscious you know all, all that sort of stuff. It's all relevant you know, if, if it's a use of force, an inmate's said he gone to, Justice Health sorry have to see an inmate every time there's a use of force.

GRAINGER: Sure.

- O'SHEA: And I don't know if that – okay, they look alr – yeah Justice Health have to see an inmate every time he's, there's been a use of force, and they clear them or you know triage them or, or whatever the case may be.
- GRAINGER: Okay so –
- 5 O'SHEA: Yeah.
- GRAINGER: - do you recall having such a debrief in this matter?
- O'SHEA: I, I – unless it was a, unless I spoke to all the three IAT people and – I, I can't recall talking to McMurtrie to tell you the truth, I don't know but – and Mr Taylor and that, it would've just been make sure your report's in
10 and get it all sorted and how are youse and blah, blah, blah. But Mr Taylor should've handled that if he was the MoS before it, with the package you know and then come up to my – I, I may have spoken to him, I, I can't remember, honestly can't remember.
- GRAINGER: Okay. You can see on the document that Mr Walker has put on here that
15 it's been reported as a technical use of force on the direction of the GM.
- O'SHEA: Where's that, sorry mate?
- GRAINGER: Towards the end of the summary.
- O'SHEA: Oh yeah, technical use of force. Yeah well –
- GRAINGER: What exactly is a technical use of force?
- 20 O'SHEA: Well I've got no idea. It's a use of force. There is no technical. I – it's a use of force. There's, the inmate's been injured and, and – oh okay. Mr Taylor is a lovely man. Tex is a good a, a – Tex is Senior IAT at that particular day. Sometimes people dodge a little, reports or work or don't want to do a few things or just, we'll let it go at that. I've sent it back,
25 spoke to them after Mr Taylor has said to me you know well there was an incident blah, blah, blah. So the inmate's injured, it's got to be recorded as a use of force. So I've sent that back to them as a use of force, not – there's no such thing as a technical use of force. I – they're not my words. I would never had said that.
- 30 GRAINGER: Okay. So you're indicating that your recollection is you sent it back, it's saying it has to be –
- O'SHEA: It's got to be, it could've been a phone call that they all rang me from the MoS office, I, I don't know yeah.

- GRAINGER: Okay, okay. You see and, and in this, in the paragraph it says that the, the inmate “fell without any physical contact”.
- O’SHEA: Where’s that sorry, yeah.
- GRAINGER: Under comments on the right hand side about halfway down.
- 5 O’SHEA: Oh I’m sorry.
- GRAINGER: “Technical use of force, offender fell over cell furniture”. Further down that, from that “No force anticipated. Officer [Offender] fell without any physical contact from officers”. Sorry, I’ll show you.
- O’SHEA: Yeah, yeah, yeah, saw it there you know, yeah. Still photos, oh okay.
- 10 GRAINGER: So if on the basis of this there’s no, from what Mr Walker has said, there’s been no physical force used by the officers.
- O’SHEA: It, it doesn’t matter. They’ve handcuffed him, they’ve touched him. That’s a use of force. That’s, so once again, it needed to be done correctly.
- 15 GRAINGER: Alright. Now you’ve just indicated before that you, you consider a matter to be I suppose a serious matter if a person is taken to hospital in relation to it.
- O’SHEA: Yep.
- GRAINGER: Now in this instance we have information that Mr [REDACTED] was taken to
20 hospital –
- O’SHEA: Yep.
- GRAINGER: - with suspected rib injuries.
- O’SHEA: Right.
- GRAINGER: So in, in regards to that, from what you’ve told us that would be in your
25 view a serious matter.
- O’SHEA: Yeah, yeah.
- FOX: Are you advised at the time if an inmate is being –
- O’SHEA: Not necessarily.
- FOX: - taken to –

- O'SHEA: Twenty-fours, section 24, which he would've went out under, I had 48 go out of here last month – 44 sorry go out of here last month. I knew of about seven. It's because I'll, I'll find out if it's an extreme high risk inmate or something like that. I've, I've got to be notified but the MoS and another Sector Manager handle all the section 24s. I generally don't sign off on them at all or anything.
- 5
- FOX: So if it's someone who's ill for example –
- O'SHEA: Yeah.
- FOX: - you may not be advised. But if someone is going out as a result of a, a use of force –
- 10
- O'SHEA: Yep.
- FOX: - would you be advised of –
- O'SHEA: Not all the time no, not all the time no. I, I would like to think I am notified all the time. You hear it over the radio or something like that but, if it's after hours, the MoS handles all that, whoever there is on call handles all that stuff. They could've told me that day that he's going out but I, I did remember some injury and I thought it was rib –
- 15
- FOX: Alright.
- O'SHEA: - but yeah.
- 20 GRAINGER: You've indicated before that the, the MoS assembles the use of force package. Is that correct, have I got that right?
- O'SHEA: Yeah, he collates it all, or the Sector Manager should collate all the reports from his area and then give it up to the MoS for recovering report and as a package, a use of force package. And he'll go through and have a look at it and have a look at the reports and you know say yep further action required, training or cameras or policy awareness or report writing, whatever it may be, or investigation needs pending or go to S&I or something like that and then sign off on it and send it up to the Governor, yeah.
- 25
- 30 GRAINGER: And do they – what comes to you as the Governor? What, what do you get as the Governor in a use of force package?
- O'SHEA: Just a, I get, generally get all the reports, if it's done correctly I get all the reports from all the officers and the recommendations and that completed

by the MoS. If there's CCTV footage – oh sorry, handheld or footage or anything like that you may get, you, you should get sorry, yeah so that, that's generally the norm.

- 5 GRAINGER: Oh so as part of your, and I assure, I assume your role is there as the person to quality review what the MoS has done.
- O'SHEA: Yes, yes.
- GRAINGER: So you look at the material your provided?
- O'SHEA: Yeah.
- 10 GRAINGER: Yep, so you read it and form your own opinion as to what should or should not be done?
- O'SHEA: Yeah, yeah generally and you know usually going along with what your MoS does or you may not agree with him, which happens from time to time, him or her, and take your own action or pass on your actions that you think deems necessary.
- 15 GRAINGER: Okay. So in relation to this matter, what we're ascertained from your recollection of events, is that you attended the area with Mr Kennedy.
- O'SHEA: No.
- GRAINGER: No?
- O'SHEA: Mr Peebles.
- 20 GRAINGER: Sorry, Mr Peebles sorry.
- O'SHEA: Yeah.
- GRAINGER: My mistake, Mr Peebles.
- O'SHEA: No you're right.
- GRAINGER: You heard a commotion over the knock up system –
- 25 O'SHEA: But you could hear it in the wing as well, you know but yeah.
- GRAINGER: You may or may not have spoken to them through the knock up system.
- O'SHEA: Yep.
- GRAINGER: You've asked for IAT or someone or the staff to sort the problem out.

O'SHEA: Yeah, find out what's wrong with them.

GRAINGER: You've then continued on your other duties within the prison.

O'SHEA: Yep.

GRAINGER: Later you're informed that there has been a, an injury to a prisoner during
5 IAT action and the prisoner was transported to hospital.

O'SHEA: Yes.

GRAINGER: And you indicated to us that that would be a serious matter.

O'SHEA: Yeah it's, it's a, a matter that needs looking at yeah. Yeah, yeah it's an injury to an inmate yeah.

10 GRAINGER: Yeah, and in some ways a number of the steps involved you've been a party to. The, the actual –

O'SHEA: Yeah.

GRAINGER: - calling the IAT –

O'SHEA: Yeah.

15 GRAINGER: - asking them –

O'SHEA: Yeah.

GRAINGER: - for someone to deal with it –

O'SHEA: Yeah.

GRAINGER: - you've been a party to.

20 O'SHEA: Yeah.

GRAINGER: So when you received the, the package, and you indicated you read the packages and you understand what the contents are, did you make any particular recommendation about this issue?

O'SHEA: I can't remember. It may have been sent – I, I can't remember – to get it,
25 have, have a look at it or something like that. I don't know if I even sent it back to Brad, I don't – as in the substantive MoS, although he was on detached duty. I, I can't, I can't recall what I've written off on that particular one though.

GRAINGER: Okay.

O'SHEA: I, I didn't even try to look for records 'cause it was four years ago and the PAs keep all that or three years ago and you just, yeah they do so many of them yeah.

5 GRAINGER: Would, wouldn't this be a matter that somewhat piqued your interest because it's –

O'SHEA: Because of the injury?

GRAINGER: Yes.

O'SHEA: No it piqued my interest because of the people involved and not –

10 GRAINGER: So what –

O'SHEA: So, so I'll clarify that because that's a, a, a scattergun statement. Mr Walker and yeah, and um, sometimes he can be hot headed and not, not heavy handed but just does not think and acts rather than you know, thinks and, and puts you know other people like Simon and what's his name, Elliot in jeopardy sometimes. So I, I did at that stage try and keep a
15 leash or close eye on Tex yeah.

GRAINGER: So you indicated it sort of interested you because of your familiarity with Mr Walker?

O'SHEA: Yep.

20 GRAINGER: And I take it from what you've said, I don't want to put words in your mouth –

O'SHEA: No.

GRAINGER: - that you, you had some concerns about Mr Walker's operational techniques.

25 O'SHEA: Well trying to train him in, in a, to be more professional in his dealings with staff and inmates.

GRAINGER: Okay. So when you said he become, may become hot headed, what do you mean by that?

O'SHEA: Oh he yells and screams and goes off and then he'll walk out and go
30 home, hang his keys up you know. He's just bla – not blasé, no just some serious [REDACTED] issues at certain stages of his life and it affected

some of his roles. I had to take him out of IAT in the end and I put him up a control room just to, so I wouldn't put him in charge of IA – I wouldn't let him work in IAT. I took him out of the gate, I took him off escorts and put him in a monitor room only.

5 GRAINGER: Okay. So in relation to this incident, did you have any concerns about may, what may or may not have occurred in that cell?

O'SHEA: No, no – I, I would hope not. It wa, wa – I, I was conc, more concerned that okay there's an injury, right don't – not put it down as a use of force. It is a use of force regardless of – and, and that was to Steve Taylor and to
10 him. Excuse me. It, it piqued my interest as, as in yeah it, it's going out and it's, Mr Walker was there but.

GRAINGER: And the inmate's been transported to hospital.

O'SHEA: Yeah transported to hospital. I, I'm, I'm sure I would've known about that particular one, but yeah – and I think that's where a prog – oh, I'll
15 stop there until you get to the next –

GRAINGER: That's alright, we'll come to the next one.

O'SHEA: Yeah.

GRAINGER: So just dealing with this date, from what we discussed and you, you've – we've identified that it, it would've interest, come to your interest that this
20 occur, had occurred. Do you recall paying specific attention to the reports in the use of force package about the versions of events that happened?

O'SHEA: Oh, say that again, do I –

GRAINGER: So sorry, have I phrased that poorly?

O'SHEA: Okay.

25 GRAINGER: You indicated that in the use of force package, and that's made up of a number of documents -

O'SHEA: Yeah, yeah correct yeah.

GRAINGER: - (unintelligible) and that type of thing.

O'SHEA: Yeah, yeah.

30 GRAINGER: And you've indicated you review them as part of the process –

O'SHEA: Yeah.

GRAINGER: - that the MoS will do. So in this matter, when you, when you reviewed them did you pay particular interest in what the officers said had occurred?

5 O'SHEA: I can't remember reading them to tell you the truth and, and – no I don't even know if it would – it wouldn't have been completed that day I don't think.

GRAINGER: No, no I was talking about after the fact.

10 O'SHEA: Yeah um, honestly I, I can't recall. I would've, I'm sure I would've read them but I would've – I, I generally take note of what the MoS says. I'll, I'll go to that particular area and, and find out what the MoS has said and recommended because they're the experts on the ground running that Centre.

GRAINGER: But your role is to... independent review what took place.

15 O'SHEA: That's right yeah to review it all and, and to have a look at it all yeah.

GRAINGER: Okay. So you know if for example the MoS and the staff were colluding into trying to cover something up –

O'SHEA: Yeah.

GRAINGER: - your role is to independently look at that and come to –

20 O'SHEA: Yeah.

GRAINGER: - your own conclusion as, as the senior –

O'SHEA: Yeah.

GRAINGER: - officer in the prison.

O'SHEA: As the sign off yeah.

25 GRAINGER: Okay.

O'SHEA: Yeah.

GRAINGER: So in this case you indicated you, you've had some of your own concerns about Mr Walker's behaviour?

O'SHEA: No I had experience and knowledge of his past yeah, behaviour yeah, yeah.

GRAINGER: So you're aware of –

O'SHEA: Yep.

5 GRAINGER: - that there, there may have been problems in the past with his behaviour?

O'SHEA: Yeah, yeah.

GRAINGER: So in this instance did you pay particular attention to what Mr Walker put in the report?

10 O'SHEA: I probably would have. I can't even remember his report but I would have looked at it yes.

GRAINGER: Okay. That's -

O'SHEA: Yeah.

15 GRAINGER: - that's fine. So are you governed and the Mo, MoS are they governed by a particular policy or procedure about how you have to review a use of force? What you have to do and then what's, what has to happen afterwards?

20 O'SHEA: Oh well we just, we'll – once the package is up and, and I've finished mine it goes to be TRIMed I, I believe, that it goes to my PA, they do it from there, TRIM it. If it, if it's to go onto S&I or PSB or something like that for further investigation or enquiry, that package will go off. I'll generally, it just gets sent off to the relevant Governor or, or Director of that area.

GRAINGER: Alright. I'm going to move on to the next day now.

O'SHEA: Yeah.

25 GRAINGER: Tim do you want to ask any questions?

FOX: Yeah just a couple. What was your reaction when you read or were verbally advised that there'd been an intel based search in that cell because, I ask the question because you would've –

30 O'SHEA: It, it wasn't. That is not – oh sorry. I don't know what his version of intel base was, but that wasn't, Mr Walker's sorry. I never mentioned the word go and do an intel based search to Mr Walker.

FOX: Okay that's what I mean -

O'SHEA: Alright.

FOX: - that's why I'm asking you the question because it says here specifically to look for buprenorphine.

5 O'SHEA: Yeah well I don't know where that's come from.

FOX: Okay.

O'SHEA: That never come from me.

FOX: No worries. So what was - when was the first time you were aware that that was in the IRM and/or the use of force package?

10 O'SHEA: Ah whenever, or whenever I probably saw it. But the - I'm pretty sure I would've said to the MoS it's a use of force, get him to do a use of force - oh sorry, get him to report it as a use of force and Steve would've done the use of force package up.

15 FOX: But - I understand that and you've said that a couple of times, but why did you not or did you say to Taylor and/or Walker well hang on a minute, I was there. There was a bit of a noise on the knock up, a bit of abuse. Where - how did it go from that to an intel booth, intel based search looking for bupe?

20 O'SHEA: Yeah I, I don't - I never, I never brought that up with him at all, I, that I can remember. Until I just read that then, you know like a, you know what we all, well when you read it out, yeah but I didn't mention the word 'bupe', I never mentioned the word 'target search', sorry 'intel based' or 'target search'. Not on that - no, no way. It was - it was just then and there. It was, that incident was taking place. Why they've put that in
25 there and, and I haven't got the package, I'm hoping you have to have a look at that, what I've written. I can't remember what I've written. I can't even remember what the recommendations were from Steve or myself out of this particular one.

30 FOX: So just to clarify, you have no recollection of seeing this at the time, this entry in the IRM? That's -

O'SHEA: I wouldn't have looked, I wouldn't have looked at the IRM until it was in a package, whenever it come to me -

FOX: Okay.

O'SHEA: - if, if it was in the package.

FOX: So that's the first time you would've seen this particular document if it was in the use of force package?

O'SHEA: Yes.

5 FOX: And you have no – and what, so what's your recollection of the conversations on the 19th between yourself, Walker and Taylor in relation to what actually happened that day?

O'SHEA: Okay, as I said to you on, on the – with – in relation to Walker it would've been just as I was walking out, "Get in there and, and sort that out".

10 FOX: Yep.

O'SHEA: assist the staff virtually.

FOX: Yeah.

O'SHEA: That's the then and there conversation as I'm walking out. With Mr Taylor I'm sure it would've been him, it could've been Mr Turton or
15 someone informed me later on, you know the use of force, blah, blah, blah, inmate got to go to hospital. I, I can't remember anything else in and around that day but it may have been in – they may have been all over the phones then in the afternoon listening to the calls or that, I don't know.

FOX: Do you recall having a conversation with Stephen Taylor on the 19th –

20 O'SHEA: Yeah.

FOX: - to the effect of 'Stephen, I was down there. This is what I saw and this is what I advised the staff to do'.

O'SHEA: Yeah I, I would've said to Steve get in, you know I, I spoke to IAT, the
25 blokes were kicking up. I may have said that to Steve but I, I - I would not have said – there was an intel based, sorry – my recollection I never said that intel based search.

FOX: Right. So an intel based search means that McMurtrie as the Intel Manager -

O'SHEA: Or, or someone you know was it a phones officer, it could've been anyone
30 yeah.

FOX: Okay was ultimately driving that process.

O'SHEA: Correct.

FOX: But that's, as we've pointed out, in contradiction of your version of events. Your version of events is well, there was a, you know, well we know what your version was.

5 O'SHEA: Mmm.

FOX: So it's in contradiction of your version of events, so that's what we're –

O'SHEA: What's in contra – this, this writing here?

FOX: Yes.

O'SHEA: Yeah.

10 FOX: Yeah.

O'SHEA: Yeah.

FOX: Yeah so that's what we're trying to get, one of the things we're trying to get to the bottom of.

O'SHEA: Okay, well I can tell you now I never said to Mr Taylor or Mr Walker intel
15 based search to my knowledge, no, not on that day whatsoever.

FOX: Okay.

GRAINGER: Okay and, and the IR, relevant IRM makes a part, come, is part of the I, the use of force package isn't it?

O'SHEA: The, this yeah sometimes they cut and paste that and use that as their own
20 report –

GRAINGER: Yeah.

O'SHEA: - and then past it into there yeah.

GRAINGER: It, it makes, it's part of the documentation you get about –

O'SHEA: Some (unintelligible) –

25 GRAINGER: Yeah.

O'SHEA: - sometimes it is in there yeah.

GRAINGER: So this is the original record that's utilised online in the Corrective Services about a, an incident and they get it?

O'SHEA: Yes, yes – oh the IRM yes.

GRAINGER: And the IRM is the catalyst, or forms part of the package is that right?

5 O'SHEA: Yes.

GRAINGER: 'Cause unless, unless you know what they say in here –

O'SHEA: Mmm.

GRAINGER: - the rest of it makes no sense.

O'SHEA: Yes, that's right.

10 GRAINGER: True?

O'SHEA: Yeah well see yeah what they do, they'll do an officer report form –

GRAINGER: Yep.

15 O'SHEA: - of the incident, and, like Mr Walker in this case probably would've cut and pasted some of his own report out and put in the IR – or, or did that or probably got someone else to do it for him, you know that part of it, yeah. Generally when the package comes up I said it's not, rarely is it ever that day because the MoS has got to go through all his stuff. Yeah nine times out of 10 a, an IRM or this IRM is in the package. While you're looking at something –

20 GRAINGER: (Unintelligible) a, a break?

O'SHEA: [REDACTED]

GRAINGER: Yeah sure. I'll just suspend the interview.

O'SHEA: Oh sorry.

GRAINGER: The time is now 10:47am.

25 **INTERVIEW SUSPENDED/RECOMMENCED**

GRAINGER: Now the time is now 10:51am and this is a recommencement of inter, interview between Paul Grainger and John O'Shea. Tim did you conclude where you want to go? Okay. We'll just move onto the 20th now John. I'll just get you to tell me again what you recall in relation to that day.

- O'SHEA: On the 20th?
- GRAINGER: Yes.
- O'SHEA: Yeah like I can't remember. I just, I was just inform, I think I was informed, or probably would've been informed of, there's a, gonna do a target search down there on these two inmates due to phone calls overnight. The threats made to staff by the dad of inmate [REDACTED] and that inmate [REDACTED] was gonna stab us. That was virtually it. I don't know if that was over the phone or in the MoS office that a synopsis or in my office, it was just verbally I think, briefed by the MoS at the time, yeah.
- 5
- GRAINGER: It's so some, someone told you on that day –
- O'SHEA: Yeah.
- GRAINGER: - that this has occurred, is that, that –
- O'SHEA: No this is going to happen.
- GRAINGER: Okay. So I –
- 15 O'SHEA: This is what we've got planned. Because of the phone call, listening to – Intel would've do that, done that I presume.
- GRAINGER: Do you recall who that, who that was?
- O'SHEA: It would've been Mr McMurtrie.
- GRAINGER: How would you describe your relationship with Mr McMurtrie?
- 20 O'SHEA: God, our ex-Assistant Commissioner put him on the love child of Freddy Kruger and Ivan Milat physically. I would say that's where he sits. I, I think he's very loyal, he was very loyal. He's no longer with us. I don't know if you know but he's been stood down or sacked or whatever you want to call it, in the last six or seven weeks but he was very loyal to any Governor and MoS that was there. He's been there far too long and doing that role far too long. He was hot – not headed, no he's, he was quite intelligent, he worked with a lot of external agencies dealing with a lot of Middle Eastern organised gang squads etcetera, etcetera, etcetera. Very good at that intel based stuff.
- 25
- 30 His relationship with me was he was loyal to me as in yeah, I look after the Governor. I've – but I've seen him do that to three or four Governors next, next, next and he'll just not drop you or wipe you but just move on.

5 He's very adaptable. He knows his job as in – sorry I'm not one to pull policy and procedures as you probably well aware by now when you ask me different things. I can't pull them out of my hat. He knows that sort of stuff, but the relationship, yeah I, I always got on well with him, I, I always did but I had to keep him well and truly reigned in and under control because he was so verbally aggressive towards Mr Turton and sometimes Mr Taylor and, and stuff like that. There was no love at all there and it was just always at each other if, if you will. And, and Phil has not got the skill, skill to come up against Brian verbally 'cause Brian's
10 evil in that respect yeah.

GRAINGER: Okay. I'll just show you the roster of the 20th, which may assist you –

O'SHEA: Alright.

GRAINGER: - as we go along. If you look and see who was performing the role and what day according to the roster.

15 O'SHEA: [Reads roster]. Steve. Yeah.

GRAINGER: Okay, and you indicated that there's been – you'd been informed by some method that there's gonna be a search of this cell –

O'SHEA: Yep.

GRAINGER: - as a result of a, a phone call.

20 O'SHEA: Yes.

GRAINGER: So what, what do you recall happening after that?

O'SHEA: Oh I was just informed sometime during that day, I don't know if it was in writing or verbally by phone or, or someone talking to me that they found some drug paraphern – I can't reme, recall exactly what drugs it was or
25 drug paraphernalia yeah in that cell.

GRAINGER: Okay. And do you recall what happened after that?

O'SHEA: No.

GRAINGER: No?

O'SHEA: I – not, not to my knowledge no. No I, I can't recall no.

30 GRAINGER: You – your recollection of the inmate Mr [REDACTED] and, and you've struggled with his co-inmate, his name was [REDACTED] [REDACTED]

O'SHEA: Oh.

GRAINGER: So it was [REDACTED] [REDACTED] and [REDACTED] [REDACTED] -

O'SHEA: I thought it was, I thought so.

GRAINGER: - occupants of, of cell -

5 O'SHEA: I thought it was another inmate.

GRAINGER: No, it was [REDACTED] [REDACTED]

O'SHEA: Okay, okay righto, yep.

GRAINGER: Do you recall if Mr [REDACTED] was what I would call a troublesome inmate or someone who caused -

10 O'SHEA: No from my - all, only recollection of [REDACTED] is someone in and out of trouble - sorry, in and out of segro you know, through drug and paraphen - like having, being involved in and around drugs and, and shivs, that's about it.

GRAINGER: So segre -

15 O'SHEA: Like he's not, he wasn't on my radar as such compared to some of the STG, IAT people.

GRAINGER: Is placing an inmate in segregation something that the Governor signs off on?

O'SHEA: Yes.

20 GRAINGER: Okay so every segro you've got to sign off onto?

O'SHEA: Ev, every segregation order - ah, yes some days I may - if I'm - say it happens on a Friday or a Saturday, Sunday night I may not see it until the Monday or Tuesday. It's already been signed by the Acting MoS and sometimes - or the MoS sorry. Sometimes my P, PA will bring it in for
25 me to co-sign it. I'm just trying to think if we've got a copy of one for you.

GRAINGER: No that's alright.

O'SHEA: Just to co-sign it or something but nine times out of 10 I sign it.

GRAINGER: Now in relation to the, the search of Mr [REDACTED] and Mr [REDACTED] cell, is that something that you have to authorise?

O'SHEA: No, no.

5 GRAINGER: I've, you've – I'll give you a copy of the actual IRM for that search. I'll just ask (unintelligible).

O'SHEA: Sure. [Reads document]. Yep.

10 GRAINGER: So in, in a sense the report by Simon Graf, and for the record it's document D10451655, incident 92786 dated the 20th of February 2014 by Simon Graf. The summary basically says that sar – targeted search was undertaken as a result of information. They searched the cell. They found an asthma puffer. In the asthma puffer was a, a tablet. [REDACTED] has admitted to ownership of the puffer and the contents. He brought it from Parklea. It weighs .02 [0.2] grams.

O'SHEA: Okay.

15 GRAINGER: We are led to understand that the tablet was most likely buprenorphine.

O'SHEA: Uh-hmm.

GRAINGER: Now what is buprenorphine to your understanding?

20 O'SHEA: Buprenorphine to my understanding now is a wafer. It, it may – I'm not right up with it all, but a wafer of buprenorphine is instead of methadone for inmates that are drug dependent. It, it hasn't been around as long as methadone or anything like that. It was brought in by doctors of Justice Health, oh quite a few years ago now, probably 10 years ago, I'm not real sure. But yeah I think it was in a, a tablet form at the start of it and, and it's gone onto a wafer form now.

25 GRAINGER: Okay.

O'SHEA: Very hard to detect, very minute and they either smoke it or, or what they call it, spot it or inject it if it's a tablet form I think, yes.

GRAINGER: Okay. So it's a, it's an opioid replacement type drug, it replace –

30 O'SHEA: Yes, to – instead, it's a replacement for methadone. It's, it's apparently the side effects, side effects with a bupe isn't as bad a methadone.

GRAINGER: Which ultimately is in replace of heroin.

- O'SHEA: Yep, yep.
- GRAINGER: So when an inmate is – oh sorry, subs, a substance like that is located in –
- O'SHEA: Uh-hmm.
- GRAINGER: - an inmate's cell –
- 5 O'SHEA: Uh-hmm.
- GRAINGER: - what, what is the normal procedure that takes place?
- O'SHEA: Oh it should be photographed in situ and bagged and tagged in an
evidence bag and sent to the Area Manager/MoS, charges to it sort of
thing. The inmate's admitted it, yeah okay. Urine him at a later, they may
10 recommend the MoS or the Sector Manager get this inmate urined, do it
for a urine analysis test sorry and go from there. He'll go through, the
MoS, oh the, the charges will be done by the Sector Manager.
- GRAINGER: Okay. Is this, possession of bupe a, I suppose a serious matter within the
prison? Is it something that –
- 15 O'SHEA: No it's not going to – it's a matter that happens in every jail every day,
possibly. Look most jails every day. Yeah it's a, unfort, unfortunately
just a common charge now.
- GRAINGER: Something that happens on a regular basis.
- O'SHEA: It's a regular thing.
- 20 GRAINGER: Okay. So what, what – it, it – you've indicated that there's a sort of a, a –
- O'SHEA: Process.
- GRAINGER: - a process for this to be dealt with and you mentioned charges, what do
you mean by charges?
- O'SHEA: Sorry in, internal charges like inmate disciplinary action charges. Like say
25 for instance two inmates are fighting, yeah, yeah okay youse are both
doing five days cells. So you're confinement or you go into segregation
for 14 days and for fighting or for whatever. It depends on that Sector
Manager as to what punishment he dishes out. He may take him off
amenities like TVs, phone calls for 28 days or seven days, what, whatever
30 it may be it's up to them to go and do that.
- GRAINGER: Do something about it?

O'SHEA: Yeah.

GRAINGER: Alright.

O'SHEA: Yeah.

5 GRAINGER: So were the, with the possession of a prescribed restricted substance like buprenorphine is, would it be reasonably expected there was some record kept of – sorry, I'll rephrase that. Do inmates have a, a disciplinary history or something like that?

10 O'SHEA: Yeah there's an inmate, what's it called, each inmate, say there's an inmate disciplinary action sheet on, on the back of every inmate's profile document. And it says in there so okay in 14 years of jail or three years of jail you've had, he's had one or two offences you know, whether he missed muster or abusive towards staff you know and got like a Governor's hearing or – sorry, a Governor's 14 days cell segregation or seven day cells or loss of amenities, stuff like that yeah. That is, it, it – on
15 each inmate there is one yeah.

GRAINGER: So the – it's something that's just like a live document. It's updated all the time is it?

20 O'SHEA: Oh it gets updated through the people, you're administration staff or the Deps Clerk or whoever does the, each centre is different, whoever does the ad, ad, that administration role on OIMS.

GRAINGER: Okay is it, is it something that's kept at a prison or is it something that follows the prisoner?

O'SHEA: It can follow the prisoner around. It's, it's done electronically.

GRAINGER: Oh just trying to get – it's not a physical file.

25 O'SHEA: No it's electronically but there should be a copy in your hard file, like in your case notes. It, it – sorry, in your case file of, every inmate has a case file. It follows them from centre to centre. Whether that - say, I'm, I'm sorry I'm using this - but whether this incident or, or charge document goes into that case file is dependent on how good the filing system is and
30 if it does get, if the staff do file it. But it is definitely electronically if it's been recorded.

GRAINGER: Okay. So the, the – you said, you mentioned a charge there, the, an internal charge for a prisoner –

- O'SHEA: Mmm.
- GRAINGER: - is that a method by which you I suppose discipline prisoners and make sure they maintain ?
- 5 O'SHEA: Yeah it's our, it's, it's for good order and discipline of the – and, and security of the, of the Centre yeah.
- GRAINGER: Okay so they –
- O'SHEA: Have a system.
- GRAINGER: That's something that's known to prisoners, that they –
- O'SHEA: Yeah, yeah.
- 10 GRAINGER: - if, if – actions have consequences.
- O'SHEA: That's correct, yep.
- GRAINGER: So is the possession of, of bupe by inmates something that would go on their record?
- O'SHEA: Yes.
- 15 GRAINGER: It's fair – in that it does say absolutely yes it must or?
- O'SHEA: Well if, if the inmate's been charged for it and, and in this case here he's admitted ownership of the time, sure he would've, it would've been dealt with. It, it should be on there yeah.
- GRAINGER: Alright so, and from a –
- 20 O'SHEA: Sometimes the inmate might, rarely – but I, I can't – yeah it'd have to go on there electronically somewhere.
- GRAINGER: Okay. And would I be correct in assuming that, that'd be not only for the benefit of this prison, but if the inmate were to be transferred –
- O'SHEA: They would –
- 25 GRAINGER: - your colleagues somewhere else may like to know.
- O'SHEA: Well we know, it's case noted you know. There's case notes in there as well. What we know – you know, of course, we know this inmate's got a history, or a drug history or, or is a self-harmer or whatever it may be, yeah that's all there.

- GRAINGER: That's all there okay, alright. So it, it'd be expected that something would be placed on his record about the possession of a, of bupe.
- O'SHEA: One would hope.
- GRAINGER: Okay. Alright.
- 5 O'SHEA: If they've reprimanded or cautioned, but it still should be there on their record as a reprimand and caution.
- GRAINGER: Do you recall Mr [REDACTED] being involved in any incidents after these? The, we're talking about the 19th and 20th, anything happen with him after that event?
- 10 O'SHEA: Well I can – I wouldn't even know of what he looked like to tell you the truth Paul. I, I, I don't really record him – I mean sorry I, I don't, couldn't even tell you what he looked like.
- GRAINGER: Okay. Tim do you want to ask anything about the 20th at this point in time?
- 15 FOX: Just quickly, on the report at the bottom right it says "Involved Parties, Offender [REDACTED] [REDACTED] and we go across and "Role, in possession of, Outcome, OIC-Pending". So Officer In Case?
- O'SHEA: Off, Officer In Charge yes.
- FOX: Officer In Charge.
- 20 O'SHEA: Officer who's in charge pending, that would be the SAS, Mr Turton or someone hearing that charge yeah.
- FOX: Okay so –
- O'SHEA: Yeah.
- FOX: - the outcome of this recovery of, or alleged recovery of bupe –
- 25 O'SHEA: Yeah.
- FOX: - according to this the outcome is it's pending –
- O'SHEA: Yep.
- FOX: - and, and the responsibility is with the OIC and you said the OIC is probably the Sector Manager.

- O'SHEA: The Sector Manager in that particular area. He may pass it down to, see this gentleman here, where is he, he's got an AS Sector 2, which is Officer Maloney.
- FOX: Yeah.
- 5 O'SHEA: He may pass it down to him to hear.
- FOX: So on that day the Sector 2 Manager was?
- O'SHEA: James Maloney.
- FOX: Okay and the Sector 2, who was above him?
- O'SHEA: So he, he's Phil Turton's oh, second in charge –
- 10 FOX: Alright.
- O'SHEA: - underneath him. So Phil Turton is the SAS Sector Manager in charge.
- FOX: Yeah, yeah.
- O'SHEA: Underneath Phil is his 2IC –
- FOX: Yeah.
- 15 O'SHEA: - if you will, James Maloney.
- FOX: Okay.
- O'SHEA: He may have passed it to him to do the charge, I'm, I'm unaware of that.
- FOX: Okay.
- 20 O'SHEA: But that generally doesn't happen you know that quick on that because if that's, would've printed out on that same day I presume – sorry, where's my gla – the 20th. I doubt if the charge would've been heard on that 20th, that particular day. May have, that's why it could be pending there.
- GRAINGER: Okay.
- FOX: Sorry so just –
- 25 O'SHEA: Oh, sorry no.
- FOX: You've got –
- O'SHEA: OI, OIC pending there –

FOX: Yeah.

O'SHEA: - that's Offence In Custody.

FOX: Oh okay.

O'SHEA: Not Officer In Charge sorry.

5 FOX: Alright.

O'SHEA: Offence In Custody.

FOX: Right. Alright -

O'SHEA: Yeah.

FOX: - so who's responsible for the finalisation of that outcome?

10 O'SHEA: Of that charge?

FOX: Yes.

O'SHEA: Whoever's dealing with it, one, one of those particular people.

FOX: So it's going to be – I, I mean Simon, Simon Graf wrote the narrative.

O'SHEA: Simon Graf ah, he, he, he can't hear the charge. It has to be an AS and
15 above –

FOX: Alright.

O'SHEA: - a Super, a commissioned officer if you will.

FOX: Okay.

GRAINGER: Okay.

20 FOX: So on that day, whoever the commissioned officer was involved, and there was two –

O'SHEA: Yeah.

FOX: - Mr Kennedy and Mr McMurtrie –

O'SHEA: Yep.

25 FOX: - they were respon, they were responsible for –

- O'SHEA: Well it's, they, they could do it.
- FOX: - resolution.
- O'SHEA: Yeah they could do it yeah, either of them could do it yeah.
- GRAINGER: So you recall earlier on I sort of spoke to you about what your role as the
5 GM is and things you have to do in your position. It says, if in your role of the GM, if you became aware an allegation that a, a corrective services off, officer had assaulted an inmate, would you consider that to be a serious matter?
- O'SHEA: Yes.
- 10 GRAINGER: And what would you do if such an allegation came to your attention?
- O'SHEA: If an off – if I was told that an officer assaulted another inmate, it'd be, I'd put it straight for investigation you know, I'd do an inquiry. Get my MoS, hey do you know about this, let's have a look at this blah, blah, blah and, and pass it onto, if it you know, was validated and it was you know, I can
15 see evidence there that it needs to be sent up, it'd be sent to PSB or S&I or I may talk to my Director about it and go from there, yeah.
- GRAINGER: So what would you consider to be a, a complaint? So how – if, if a prisoner were to make a complaint –
- O'SHEA: Yep.
- 20 GRAINGER: - would you deal with it in the same manner?
- O'SHEA: If a prisoner said to me I've been bashed by one of your staff, I'd ask him to put in writing and put on a, like an inmate application form, an inmate report sort of thing. We have like what we call blueys where they can put it in or I'd get the Intel Officer or someone in, in a sector mana, to
25 interview them and do a report from that and get it up to me, yeah.
- GRAINGER: Okay.
- O'SHEA: Yeah.
- GRAINGER: And what about if the, an inmate would've made an allegation that the drugs had been planted on them?
- 30 O'SHEA: It'd be the same scenario, it'd be the same scenario yeah. They – sometime – inmates say that a fair bit, you know 'oh it's not mine, I don't

know, it was just, that was in the cell', you know that, that's said regularly – not regularly, that's said around the traps by inmates that have been around the traps if you will. But in, in each case you know you'd still have to have a look at it yeah.

5 GRAINGER: Just going back to the situation we have here now that – and we've gone through the series of events on the 19th already, if information came to your attention that the inmate was claiming that he'd been bashed by IAT staff –

O'SHEA: Yeah.

10 GRAINGER: - on that day -

O'SHEA: Yeah.

GRAINGER: - what would you do?

O'SHEA: I would call for all reports. I would get an inmate's statement and I would get someone to do, like my MoS and I want a covering report on this and
15 get a little package up to me that includes the inmate's statement, obviously those officers' statements that's already there and a report off Mr Taylor or Mr Kennedy or whoever did the interview with the, the inmate and get it up there. Have a look at it, have a look at the recommendation there – well not the recommendations, have a look at the
20 reports and, if I feel it necessary, push it up.

GRAINGER: Okay.

O'SHEA: Yeah.

GRAINGER: Did you receive any information indicating that Mr [REDACTED] was alleging that he'd been bashed?

25 O'SHEA: No, no. Only, the only, the only time that I knew he was, got hurt, it never said, I was never told that he was bashed. Or it never, sorry, I never heard anything from Mr [REDACTED] to say that he was bashed, except for when he was, they said to me on the phone he was going off at his dad, that the squad flogged him or something like that, yeah. But that's -

30 GRAINGER: So it, I'm –

O'SHEA: IAT, sorry.

GRAINGER: So let's just go back here. I want to clarify this because I'm, you haven't told us this before we –

O'SHEA: That's what, that was part of those phone calls that they –

GRAINGER: Right.

5 O'SHEA: - he was making to his father.

GRAINGER: Okay.

O'SHEA: Yeah.

GRAINGER: So which phone call are we talking about?

10 O'SHEA: I've got no idea. I'm only getting this second and third hand from one of my officers, whether it be Intel or Mr Taylor I can't remember.

GRAINGER: Okay.

15 O'SHEA: Yeah I can't remem, I honestly can't remember who said it but he said in there that you know, who, he said to his dad that they're gonna get us and blah, blah, blah and the squad flogged him and all this sort of stuff, which is just – they say that sometimes yeah -

GRAINGER: Okay.

O'SHEA: - where they're talking to brothers or fathers or, or when they want to talk to a mate and talk it up if you will.

GRAINGER: Did you – that cause you any concern?

20 O'SHEA: Well I, I don't think so because they – he was going out to hospital for those ribs. It said there that he's tripped over and at that stage I had nothing else to go on but that. [REDACTED] never said it to me or I never got it to me that he was assaulted that I can recall. The only way I ever heard, would've been by Steve or Mr McMurtrie telling me that night or the next
25 morning.

GRAINGER: Okay. In light of your, what you said to us before that you had some concerns about –

O'SHEA: Yeah.

GRAINGER: - perhaps Mr Walker's –

- O'SHEA: Yeah I, I, I, I don't, I don't mean Terry, Terry or Tex Walker would go in there and bash anyone just to bash anyone. I don't think he's got the skill or the ability of, with a young man you know versus Terry's – no, no disrespect, I'm older than him but I don't mean go in there and just flog people. Terry wouldn't go in there and flog people. He's hot-headed and abusive and all of that and grab someone, but he, he has, he wouldn't – I, I don't believe he would do that – sorry, would hope to believe he wouldn't do that yeah.
- 5
- GRAINGER: Okay. So just going back there, if you, when you, you come to this – or whatever means you found –
- 10
- O'SHEA: Yeah.
- GRAINGER: - you'd been told by someone –
- O'SHEA: Yep.
- GRAINGER: - the inmate's been, this, this prisoner's alleging this, as opposed to what you've been aware of has happened the day before –
- 15
- O'SHEA: Uh-hmm.
- GRAINGER: - did you do anything?
- O'SHEA: I can't remember, I don't know. It would've – it may have been in conversations with Mr Taylor or something. Was there any, was there anything here as in you know, was he bashed or have you seen he said, you know – I, I can't remember any of those conversations going on and I don't even know if it was anything written to say that he'd said he'd been assaulted or anything like that by Mr, by IAT so I, I can't remember no.
- 20
- GRAINGER: Okay so with an inmate and they want to raise a complaint about staff in –
- 25
- O'SHEA: Yeah.
- GRAINGER: - the prison, I would assume that would be a somewhat risky venture?
- O'SHEA: Yeah, but they have the Ombudsman as well, Ombudsman line which they can ring. They have CSSL – don't ask me what it stands for – I, I – it's, it's another, it's another system where they can ring and talk to people that aren't affiliated to us, to Corrections sorry and, and, and it's like a, I'm missing property or I can't get to the doctor or you know this inmate or this officer assault – there, there is those lines that they can go down. But you're right, it can be seen as a risky business, but I've definitely dealt
- 30

with it over the past and over the years where inmates have said they've been assaulted and it's all be passed up and gone through and everything else, yep.

GRAINGER: Okay. So you have done that before have you?

5 O'SHEA: Yeah, yeah.

GRAINGER: Okay. Have you done that at Lithgow when you were there?

O'SHEA: Oh god, possibly yeah. I, I can't remember you know, there's – Lithgow and especially that area was just a very difficult place to run for many years.

10 GRAINGER: Sure.

FOX: Did you listen to the calls yourself?

O'SHEA: I, I can't recall listening to them mate, no. I, I've –

FOX: Is – would you, would you in the normal course of events then consider that a possibility? Like -

15 O'SHEA: To listen to them?

FOX: Yeah is that a -

O'SHEA: Yeah.

FOX: - normal situation?

20 O'SHEA: Yeah I have, at, at Lithgow I had a Starnet or Startrack or whatever, that's the inmates recorded phone system and, and it was on my computer. I would sometimes listen to calls, but I, I don't get an opportunity to and that's why I have Intel people and, and Sector Managers and Phones Officers etcetera. I may only listen to one or get half an hour on that once every three or four weeks, if that. I, I, like I can't remember doing it. I
25 may have, I don't know. I, I –

FOX: So if you didn't listen your purely relying on the –

O'SHEA: I'm relying on whatever Mr McMurtrie or Mr Taylor or, or whoever is giving me that information regarding that.

30 GRAINGER: Okay. Anything further you want to ask? No. John I have no further questions at this point. Just a couple of things to close with. Anything

further you want to say about the matters which are the subject of the Commission's investigation at this point?

5 O'SHEA: I, I'd just like to wrap up and say that not for one second do I think Mark Kennedy or Steve Taylor or any of those particular people, Simon Graf, young Elliot Duncan or anything are corrupt by any stretch of the word. They're very dedicated, good officers. Mr Walker as I spoke about has a lot of issues. I don't think he is, I don't bel – oh well, I'd be shattered if he was. Mr McMurtrie I've known for a lot of years and I would hate, I'd, I'd be very angry if he has done anything wrong here and put other people in jeopardy or anything like that. But I believe Brian is so, was then dedicated to Corrective Services and everything like that. I, I do not – I'm an old school officer. I'm, I'm firm but fair, but I will not cop anyone being set up or anything like, the inmate, blue or green, not, not on my shift. And if it's seen or done I would act.

15 GRAINGER: One thing I forgot to ask you about, I'll, I'll do that now and we'll close the interview. At the start do you wish, you told us about your career and you were at the SNT?

O'SHEA: (Unintelligible) no.

GRAINGER: SNIT?

20 O'SHEA: Security and Investigation, S&I.

GRAINGER: Okay and they're at the back of Lithgow and –

25 O'SHEA: That – it was based, that's where the original house was. I started there in 2000 and I finished in 2003-ish, but also in that time took a secondment out to Brewarrina, out to the middle of New South Wales and, and was out there for six months on a prison camp, not doing that role, safety, MoS.

GRAINGER: So was, when you were there were you in charge of the unit?

O'SHEA: Yes I was OIC.

GRAINGER: Alright. Was Michael Watson one of your staff then?

30 O'SHEA: I think Michael Watson was based at Wellington, I think from memory. He may have been there on secondment. I, I don't know. People come in and out of that area a fair bit, to come in and to get experience, like do a three month secondment if you will or some off, some centres would

release someone to go and do one month or two month, three month secondment just to get experience but.

GRAINGER: Mr Watson we understand –

O'SHEA: Wat, Watson was a dog handler.

5 GRAINGER: Yes. He was present -

O'SHEA: And he was –

GRAINGER: - on the 20th.

10 O'SHEA: Oh was he, okay well he would've been attached to the S&I out the back, what they call the SOG. I don't know who was running them then. It might've been – I don't know who the OIC was then I'm sorry I, I don't know, I can't recall.

GRAINGER: And the time you were the OIC, do you recall Mr Watson being one of your staff members?

O'SHEA: I don't think so but – in 2000?

15 GRAINGER: Between 2000 – when you were –

O'SHEA: (Unintelligible) 2002, he may have been there for a little bit but I – it may have been when Wellington was opening –

GRAINGER: Okay.

20 O'SHEA: - opening 'cause he was in Sydney originally then came out. He may have been there for a little bit I, I don't know. I, I was in and out of there and Kirkconnell and Brewarrina so.

GRAINGER: Sure.

O'SHEA: Yeah.

25 GRAINGER: Just continuing in closing, do you have any complaints about the manner in which this interview has been conducted today?

O'SHEA: Negative.

GRAINGER: Do you have any complaints about the conduct of either myself or Mr Fox?

O'SHEA: No. No, sorry.

GRAINGER: Has there been any threat, promise or offer of advantage been held out to you to take part in this interview today?

O'SHEA: Negative.

GRAINGER: And have the answers been given of your own freewill?

5 O'SHEA: Yes.

GRAINGER: After the interview concludes you may reflect, which is natural on the things –

O'SHEA: Yeah.

10 GRAINGER: - we've discussed today okay. If you recall any in, in, additional information feel free to contact either Tim or myself -

O'SHEA: Yep.

GRAINGER: - you have our business cards -

O'SHEA: Yes.

GRAINGER: - and we'll happily assist, accept any information you wish to give us.

15 O'SHEA: Yeah.

GRAINGER: Okay. John thank you for your time again today. I'll finalise the interview now. The time is 11:23am.

NSW Department of Corrective Services Incident Details

E17/0345/AS-09-007/PR-0002 D10454852

Report Date / Time:
14/08/2017 22:47

OIRINCDT v1.8
6.04.1.0.2

<u>Staff member</u>	<u>Location</u>	<u>Date</u>	<u>Comment</u>
[REDACTED]	DUTY OFFICER	19/02/2014	Details re: other involved parties required. RO informed by email. Status to Open
[REDACTED]	DUTY OFFICER	20/02/2014	Status UOF Pending Review
TAYLOR, [REDACTED]	LGW - LITHGOW CC	20/02/2014	Resubmitted for Closure
[REDACTED]	DUTY OFFICER	20/02/2014	Status Complete.

Involved Parties:

<u>Type</u>	<u>Id#</u>	<u>Name</u>	<u>Role</u>	<u>Outcome</u>
OFFENDER	[REDACTED]	[REDACTED]	Subject to Use of Force	Nil Action
STAFF	15933	WALKER, TERRENCE	Searching Officer	Nil Action
STAFF	52533	DUNCAN, ELLIOTT	Searching Officer	Nil Action
STAFF	52174	GRAF, SIMON	Searching Officer	Nil Action
STAFF	7159	TAYLOR, STEPHEN	Use of Force Reviewing Officer	Nil Action

NSW Department of Corrective Services Incident Details

E17/0345/AS-09-007/PR-0002 D10454052

Report Date / Time:
14/08/2017 22:48

OIRINCDT v1.8
6.04.1.0.2

STAFF	59495	MURDOCH, ALLAN	Contraband Finding Officer
STAFF	54476	DIPPEL, TROY	Witness
STAFF	21444	WATSON, MICHAEL	Searching Officer