

CORRUPTION AND CRIME COMMISSION

OF WESTERN AUSTRALIA

ACTING COMMISSIONER SCOTT ELLIS

TRANSCRIPT OF PROCEEDINGS

AT PERTH ON THURSDAY, 19 NOVEMBER, AT 2.09 PM

COUNSEL:

MS JESSICA TOWER

WITNESS: TYRONE ERIC POPE

WITNESS COUNSEL:

MR SIMON WATTERS

1 **THE ACTING COMMISSIONER:** Please be seated.
2
3 **POPE, TYRONE ERIC CALLED AT 02.09 PM:**
4
5 **THE ACTING COMMISSIONER:** Yes?
6
7 **THE ASSOCIATE:** The Commission is conducting a number of
8 examinations for the purposes of an investigation under the
9 Corruption, Crime and Misconduct Act 2003. The scope and
10 purpose of the Commission investigation is to enable the
11 Commission to examine how culture contributes to serious
12 misconduct in Hakea and other prisons in Western Australia.
13 Before your examination begins, it is necessary for you to
14 take an affirmation. If you could please stand and read the
15 card out loud - read the affirmation on the card out loud.
16
17 **POPE, TYRONE ERIC AFFIRMED AT 02.10 PM:**
18
19 **THE ASSOCIATE:** Thank you. You may be seated.
20
21 **THE ACTING COMMISSIONER:** Now, Mr Pope, I see that you have
22 received and signed the notice to witnesses. That's correct,
23 isn't it?---Yes.
24
25 Thank you. I've appointed Ms Tower as counsel assisting the
26 Commissioner. She will ask questions on my behalf.
27
28 Mr Watters, do you seek leave?
29
30 **WATTERS, MR:** If it please you, sir, I appear. Yes, I
31 appear for Mr Pope, thank you.
32
33 **THE ACTING COMMISSIONER:** Thank you.
34
35 **WATTERS, MR:** Permission to take notes, your Honour?
36
37 **THE ACTING COMMISSIONER:** Yes.
38
39 **WATTERS, MR:** Thank you.
40
41 **THE ACTING COMMISSIONER:** Yes, Ms Tower?
42
43 **TOWER, MS:** Please state your full name?---Tyrone Eric Pope.
44
45 And what's your job title, Mr Pope?---Prison officer.
46
47 How long have been a prison officer?---I think approximately
48 three years.
49

1 And in that time, which prisons have you worked at?---Eastern
2 Goldfields Regional Prison in Kalgoorlie and Hakea Remand
3 Centre.
4
5 How long were you at Hakea?---I believe about a
6 year-and-a-half, a bit more, maybe.
7
8 And are you at Hakea now?---Currently, I work at Hakea.
9
10 And within Hakea, are you assigned to work at particular
11 units?---Yeah.
12
13 And which units have you worked in?---Well, I believe all of
14 them at some stage, some more than others.
15
16 Are there some that you have mainly worked in?---Yeah. Of
17 course, yeah.
18
19 Which ones?---Well, seven is my current unit that I'm working
20 in now. Two was where I was prior to getting seven, and
21 they're probably my main ones but I've worked bits and pieces
22 throughout all of them.
23
24 Mr Pope, I've been asked for an exhibit to be
25 displayed?---Yeah.
26
27 It will show on the screen in front of you?---Yes.
28
29 Madam Associate, can I have exhibit 36^?
30
31 36^
32
33 So Mr Pope, we can see that this is a Code of Conduct and
34 it's from the Department of Justice.
35
36 Madam Associate, can we go to page 9.
37
38 Mr Pope, we can see the top of this page, 3.8 relates to
39 reporting suspected breaches of the code. I'm just going to
40 read out those first few paragraphs. 3.8, Reporting
41 suspected breaches of the Code:
42
43 This means that all public sector employees need to
44 understand and contribute to the integrity of the department
45 by ensuring that breaches of this Code of Conduct are
46 reported and managed.
47
48 It then continues in a dot point - Reporting suspected
49 breaches of the Code or other conduct:
50

1 We report any actual or potentially fraudulent, corrupt or
2 illegal activities and any suspected breaches of the Code,
3 of which we become aware and discuss with our manager or
4 relevant officer of the department.

5
6 Do you understand that it's part of your job as a
7 prison officer to report misconduct?---Yes.

8
9 And aside from this obligation within the Code of Conduct,
10 do you see it as your ethical responsibility to report
11 misconduct?---Yes.

12
13 If there are investigations into misconduct, do you consider
14 that it's important for prison officers to cooperate with
15 those investigations?---Yeah.

16
17 If a prison officer is found to have committed misconduct,
18 do you think that they should face consequences for
19 that?---If they're found guilty of misconduct, yeah.

20
21 Mr Pope, the Commission has been investigating use of force
22 incidents. As a prison officer, you understand that there
23 are policies around when force can be used?---Mm.

24
25 Madam Associate, I'm done with that exhibit. May I have
26 exhibit 47^?

27
28 47^

29
30 So Mr Pope, we can see that this document is entitled Policy
31 Directive 5 - Use of Force. This is the use of force policy
32 that applies to prison officers?---Yeah.

33
34 I'll keep going until you respond verbally, because of the
35 transcript. And we see that it's headed Policy Directive 5.
36 Is it the case that use of force incidents in WA prisons are
37 often referred to as PD5s?---Yeah. That's correct.

38
39 If we could go to page 2, towards the bottom. Here we can
40 see heading 3, Principles. 3.1 reads:

41
42 In all instances, force shall only be used when all other
43 avenues have been exhausted or are considered impractical.
44 Force must only be used as a last resort.

45
46 If we could scroll down - thank you. It continues at the
47 top of the next page:

48
49 Force should never be used as a form of punishment and the
50 amount of force used should be the minimum required to
51 control the situation or behaviour and maintain security and

1 good order, and shall cease when the level of perceived
2 threat can be managed without applying force.

3

4 These principles for when force can be used, do you consider
5 them to be appropriate?---Yes.

6

7 And is the requirement that prison officers only use force
8 in these circumstances a fair ask on
9 prison officers?---Yeah, it's a fair ask.

10

11 When force is used in prison environment, there's also the
12 requirement to write a report about that. Is that correct?--
13 --Yeah.

14

15 What kind of information needs to go into those reports?---The
16 outlining of what happened within the incident,
17 word-for-word to the best of your knowledge and recollection.

18

19 And who needs to write one?---Everyone who was involved in
20 the incident.

21

22 So not just the officer who used the force?---No, I'm
23 assuming - I'm not assuming, to paint a picture, whoever was
24 in that vicinity watching, that - even said something, or -
25 they would be required, I'm assuming. That's the way I see
26 it.

27

28 And when you say you're assuming, is that - have you received
29 training that that's what needs to happen?---That was - I'm
30 not very good at public speaking. I'm throwing in shit that
31 shouldn't be there, so that's - that's the way it should be,
32 anyone who was involved, seeing what happened and being
33 physically involved, if they were speaking to the prisoner
34 at the time, then they are obligated to put in a report,
35 yes.

36

37 And are those reports sometimes referred to as incident
38 description reports?---I believe that's the terminology.

39

40 More generally, Mr Pope, if prison officers wanted to report
41 misconduct, but didn't want to make a formal report, what
42 options are there?---Sorry?

43

44 If a prison officer saw misconduct - - -?---Yes.

45

46 - - - in the workplace, and wanted something to be done about
47 it, but didn't want to make a written formal report, what
48 options are there?---If an officer's seen misconduct?

49

50 If you observed misconduct - - -?---Yes, by who?

51

1 Another prison officer?---Yeah.
2
3 What are your options?---What's the form of misconduct? Any
4 sort of misconduct?
5
6 Excessive use of force, contraband coming in?---Well,
7 generally, we would be expected to tell our next-in-charge,
8 which would be the senior officer, or even the principal
9 officer, or go directly to the superintendent yourself, I
10 suppose, but I would probably make the senior officer aware.
11 It's not happened to me, that I've seen.
12
13 Are there any options for anonymous reporting?---Not that
14 I'm aware of. I've never dealt with this, I've never seen
15 misconduct in that sense, so - - -
16
17 So have you ever been involved in a use of force PD5
18 incident?---Yeah.
19
20 So you've had to fill in the use of force reports?---I have
21 done.
22
23 But you're talking about other misconduct you haven't
24 reported, because you haven't seen it?---I'm just saying,
25 yeah, well, cos you're - you're painting a picture to me on
26 how to report misconduct and I'm saying, well, if I did see
27 it I would more than likely tell the senior officer.
28
29 I see. In terms of yourself, Mr Pope, do you consider that
30 demonstrating ethical behaviour is an important part of your
31 role as a prison officer?---Good ethics?
32
33 Yes?---Sure.
34
35 And as a prison officer, do you only use force when it is
36 necessary?---Yes. When I believe it to be necessary, yes.
37
38 And do you make sure that all use of force incidents that
39 you are involved in are reported through this PD5
40 process?---Yeah.
41
42 And do you ensure that those reports are accurate?---I do.
43
44 If misconduct is being investigated, would you encourage any
45 officers involved to tell the truth?---Well, yeah, I should.
46
47 When you say you should, do you?---I can't recall. I know
48 - I know that there has been investigations going on with an
49 incident and I - when this person that was a particular
50 friend of mine got escorted off site I gave him an initial
51 call to see how he's going, for his mental welfare, and I

1 don't know what I've said in that but I probably said a lot
2 of things that was not politically correct due to locker
3 room chat style conversations. Yeah. I don't know if at
4 that time - I can't recall. I don't know if at that time
5 I've advised him just stick to your report or whatever, just
6 due to helping his mental stress. I don't know word for
7 word what was said but I know I did say a lot of encouraging
8 things to - but was basically throw-away comments that I
9 didn't have any control over in regards to whatever the
10 investigation was which I didn't know at the time. I don't
11 think I knew at the time, I can't recall - apart from bits
12 and pieces. And I may have said - given bad advice possibly
13 on the - on the - and if I did I take that on the chin but
14 I may have said bad advice for the sake of just being a
15 mental support person for that person, knowing that I
16 actually don't have any control over the outcome. And I
17 don't even remember this specific conversation, I just know
18 that I called a - called a mate and - to see what was going
19 on.

20
21 You've mentioned two things there. One was that this call
22 was meant to support your friend's mental health?---Well,
23 yeah, I'm - I'm assuming he would have been stressed out.

24
25 Because you're not - stress levels then?---Sorry?

26
27 You were calling to help his stress levels?---Well, it was
28 to find out what was going on and obviously to help him -
29 you know, obviously realising he would have been feeling
30 down and I didn't know whether at that time if he was in the
31 right or the wrong or whatever so generally I've - yeah, I
32 can't remember the conversation to be honest. I just know,
33 you know, what - I - I mainly called and if he was stressed
34 out I would have been, you know, saying things to help him
35 deal with that stress.

36
37 You mentioned earlier though that you thought you gave him
38 "bad advice". What's the bad advice?---I - I don't know if
39 I say I thought I did or not. I can't remember if I did but
40 I may have, I don't know, because I don't recall what was
41 exactly said.

42
43 Because the question I had asked was that if misconduct is
44 being investigated - - -?---Yeah.

45
46 - - - would you encourage those involved to tell the truth.
47 Is that normally the way you conduct yourself?---If I knew
48 that an officer had blatantly assaulted a prisoner, then I
49 would not - I would encourage that person to tell the truth
50 if I knew for sure. I - I believe I would. If it was
51 happening in an incident that I was involved in, in front of

1 me, 100 per cent. Whatever's going on with other people, if
2 I'm calling them out of mental support, for helping them, I
3 don't know what I could say, you know, under those
4 circumstances.

5
6 I'll move on now to that incident. Giving context, the
7 questions relate to an incident, alleged incident, in 2018.
8 The allegations were that excessive force had been used
9 against a prisoner and that a number of prison officers had
10 written inaccurate incident description reports about what
11 happened and it was the officers allegedly involved in that
12 incident that were stood down in August of this year. So
13 that's the incident that we're talking about?---I believe
14 so. I mean, it's - that's - that's what everyone at work is
15 saying has happened. I didn't even work at Hakea at the
16 time when this apparently occurred or whatever but - - -

17
18 But, Mr Pope, you spoke to prison officers involved about
19 this incident?---When you say involved, do you mean the
20 officers that were involved in the incident or - - -

21
22 Officers who were stood down?---I've - like I said I called
23 - one of them was stood down and I've had a chat with him.
24 I can't remember what he told me in regards to the incident,
25 if it was the - if it was what I know now or if it was just
26 bits and pieces of what I know now or whatever.
27 Because I've heard at work the - pretty much the whole story
28 of what's happened through everybody knows what's going on.

29
30 Mr Pope, I'd suggest to you that when you were talking to
31 this officer you knew that the reports didn't match what
32 actually happened?---I - I didn't really know what was going
33 on, I just - because when they first got sent off site, stood
34 down, I didn't know what it was for. So I've - so I've
35 called and to find out what it was about.

36
37 Mr Pope, isn't it the case that you gave advice about making
38 sure you get your story straight, make sure you coach each
39 other; make sure you meet up, make sure no one cracks?---I
40 - I may have said those things. I may have said those
41 things, yeah. I can't recall the phone call. It was what,
42 three months ago or something - more. There's a good chance
43 I possibly did.

44
45 Mr Pope - - -?---In - in order to mentally support those
46 guys, to whatever, which is - if I have, that's bad advice,
47 I take that on the chin.

48
49 Before we move on, how would giving that advice support
50 someone?---Well, I - if I'm aware now how I'm thinking back
51 then as far as my knowledge went on the incident I'm - I'm

1 not sure if I knew they were guilty or not because it was
2 still fresh. I'm assuming that they're - they're not guilty.
3 I've never suspected misconduct in the people that I'd worked
4 with, the ones that were stood down.

5
6 But, Mr Pope, if you never suspected any wrongdoing what
7 need would there be to coach each other or make sure no one
8 cracks or to get your story straight?---Well, at this point
9 in time I don't even know if I said those things. I may of.
10 I may of because, you know, when a friend gets stood down
11 and you're friends with them you might tell them anything
12 they want to hear to cheer them up. And I've not had any
13 power over the incident that happened, the incident was long
14 gone as - I mean, reports can't be changed once they're
15 submitted. Basically what I'm saying, if I have given wrong
16 advice it's bad to do. It wasn't - and it sounds bad even
17 saying this but it wasn't my incident, wasn't what I was
18 involved in. It's still incorrect to go and give that wrong
19 advice to somebody, I - I see that but it's spur of the
20 moment when I'm concerned about a friend that I didn't think
21 was a bad person. I may have said things that I shouldn't
22 have said.

23
24 Mr Pope, rather than talking hypotheticals I'm going to move
25 on and play excerpts of lawfully intercepted telephone
26 material and then I'll be asking you some questions about
27 it?---Mm hmm.

28
29 The audio will play over the speakers and there will be a
30 transcript that will come up on that screen. This first
31 call is between a male prison officer allegedly involved in
32 the incident, yourself and then a female who works at the
33 prison but there's no allegation that she's involved. The
34 call is from 14 August 2020, which is when the Commission
35 understands the officers were stood down.

36
37 Madam Associate, can I have exhibit 0182-1^?

38
39 0182-1^

40
41 START TELEPHONE INTERCEPT

42
43 Part conversation 12:12:32 to 12:12:59

44
45 POPE: And [REDACTED], you need, you know what the, the weak
46 link is, not in a bad way but [REDACTED] needs to be coached
47 a hundred per cent because she'll be the one that cracks her
48 story. She needs to be, you know what I mean?

49
50 [REDACTED]: I spoke to [REDACTED] as well. I don't think that'll be
51 the case, man.

1 POPE: Nah? Because
2
3 [REDACTED]: No.
4
5 POPE: she's the one that, oh okay. Is she involved in that
6 story?
7
8 [REDACTED]: She was involved but I don't, she won't be the one to
9 crack.
10
11 BROWN: No. She's just
12
13 [REDACTED]: She's
14
15 BROWN: gunna say
16
17 [REDACTED]: She's gunna say
18
19 BROWN: I don't remember
20
21 [REDACTED]: I don't remember. I've already spoken to her.
22
23 BROWN: refer to her report.
24
25 POPE: Oh okay, alright yeah.
26
27 [REDACTED]: I'm, I'm doin' the same. Refer to my report.
28
29 END TELEPHONE INTERCEPT
30
31 **TOWER, MS:** That's your voice we can hear there?---Yes.
32
33 And you recognise the voices of the male and the female?---I
34 don't know the female voice actually. I known [REDACTED] that I
35 was speaking to.
36 And by the time this call happened, you were aware that the
37 male had been stood down?---Yes.
38
39 The first comment I want to ask you about is that one starting
40 from line 2:
41
42 [REDACTED], you need - you know what the weak link is, not in
43 a bad way, but [REDACTED] needs to be coached a
44 hundred per cent, because she'll be the one who cracks her
45 story. She'll need to be - you know what I mean.
46
47 Mr Pope, how is it appropriate for you to advise a
48 prison officer under investigation that he should coach a
49 fellow officer in case she cracks her story?---Yeah. I - I
50 - it's not appropriate at all. I'm not going to try and
51 argue that. I don't know even at this time - I mean, it's

1 still wrong, but I don't know if at this time I'm aware of
2 the actual circumstances, like I don't know if at this time
3 - I'm not even one bit trying to be deceiving at this point,
4 I don't know if I'm aware that - if there was misconduct in
5 regards to the alleged assault. I don't know if that
6 actually took place, and I'm assuming that if they're being
7 accused of it, and they know they didn't do it, then, you
8 know, get your story straight. I believe that that's the
9 angle that I'm coming from, yeah. If - but I don't know if
10 - if you can show me some evidence that it had been told to
11 me, that [REDACTED] and whoever else was involved knew that the
12 person who was being accused of the assault, if they knew
13 that he had actually done it, then I could say that was even
14 more out of context for me to say.

15
16 Mr Pope, we'll be playing other calls - - -?---Yeah.

17
18 - - - but at this point, even here you're saying, "She needs
19 to be coached in case she cracks". If you're understanding
20 was simply that they needed to tell the truth about what
21 happened, how does that sentence make sense?---I'm not - I'm
22 not saying it's not - that it's right, I'm saying it's wrong,
23 I shouldn't have put it that way, it was - - -

24
25 Pardon me?---I'm not saying it's right, yeah. It's wrong,
26 and like I say, in hindsight, it was basically because I was
27 concerned about people that I've got stood down, and it was
28 more of a support all.

29
30 But it's the case, isn't it, that by this - by the time of
31 this call, you knew that the reports weren't the truth?---I
32 don't know, to be sure, I don't know. Like, I'm just trying
33 to be supportive.

34
35 How is this being supportive?---I mean, mentally supportive
36 to - the stress that they're going through.

37
38 And are you saying that you're being mentally supportive by
39 telling this officer someone else is going to crack, and you
40 need to coach them?--- I don't - I don't know, it was - I
41 don't know what I was saying there, or why I was saying it,
42 whatever. It was - I'm admitting that I shouldn't have said
43 it. I'm not - yeah.

44
45 Madam Associate, if I may now have exhibit 0182-3^? This is
46 a later portion of the same call.

47
48 0182-3^

49
50 START TELEPHONE INTERCEPT

51

1 Part conversation 12:14:30 to 12:14:39

2

3 POPE: Gilly said just said fucken give you a call which I
4 said I was doin' anyway

5

6 [REDACTED]: Yep.

7

8 POPE: and ah he said make sure that you need to catch up
9 with ah [REDACTED] and [REDACTED] to get your stories right.

10

11 END TELEPHONE INTERCEPT

12

13 TOWER, MS: Again, that's your voice?---Yeah.

14

15 And [REDACTED] and [REDACTED] are two other officers, again involved
16 in this incident from 2018?---I don't know - I don't know if
17 Gilly was involved in that incident.

18

19 Pardon, not Gilly, [REDACTED] and [REDACTED]. The final line there
20 is:

21

22 He said to make sure you need to catch with [REDACTED] and [REDACTED]
23 to get your stories right

24

25 ?---Yeah.

26

27 And here you're talking to one of the officers who was
28 allegedly involved about two other officers allegedly
29 involved. That's the case, isn't it?---Yeah.

30

31 So here, why are you advising one officer being investigated
32 meets up with two other officers to get their stories
33 right?---Well, just to get their stories right, to make sure
34 that they're saying the right things of what happened, you
35 know - even going back as far as where I've said that [REDACTED]
36 needs to be coached, or whatever, I don't know - that could
37 also have a lot to do with the fact that she isn't a very
38 good speaker, or whatever, because they were getting
39 investigated, so to make sure that she doesn't crack,
40 whatever. I'm not trying to be misleading or anything, but
41 I can't recall why I've said these things, other than the
42 fact that I know they're bad, I know they don't sound good,
43 but it's - - -

44

45 Mr Pope, I'd suggest to you that the reason why you're saying
46 this isn't from mental health support, it's to give advice
47 about how to not get caught when an officer has used too
48 much force and it's being covered up?---I don't know - at
49 the end of the day, I've not spoken with the one who actually
50 used the force. As far as I'm aware, that's all that was
51 involved. From what I've heard, the - the people - there

1 was only one person that threw a punch or assaulted the -
2 the prisoner, so - - -

3

4 Mr Pope, putting aside what happened in terms of the alleged
5 assault - - -?---Mm.

6

7 - - - you're aware that the reason why the officers were
8 stood down is because there was an accusation of collusion
9 between about the reports?---I believe at that time it was
10 part of my knowledge possibly, yeah.

11

12 And isn't this, "Make sure you catch up and get your stories
13 right," to make sure that the story that they had created
14 they would all tell the same way?---Well, they can't change
15 - as far as I'm aware, they chance the report. Once it's
16 submitted, it's submitted, like - so it's more so - I don't
17 feel like I've had any - I don't feel like I can, by saying
18 what I'm saying, it's more so support that I'm still a friend
19 there for them. I don't feel like I can have any say over,
20 really, the outcome of what happens, because the report's
21 submitted, I mean - I've never been in a situation where
22 this has happened and I've had to think to myself - or
23 someone else has told me they've had to think about
24 themselves of a report that they've already submitted and
25 now they can't go back on it. I've never heard of that, and
26 I don't think that reports can go back on - I don't - I've
27 never been aware of that. So when I've - when I've said
28 these things to them, and, you know, not right, but I've
29 said it in these tones or whatever, I've said it in a sense
30 that, you know, what's done is - knowing in myself that
31 what's done is done, and the report can't be changed.

32

33 **THE ACTING COMMISSIONER:** But can't - they can go back and
34 say, "The report that I prepared was a lie". Can't they say
35 that?---No, sir, they could go back and say - - -

36

37 They could go back and they - they could, you know, put their
38 hand up and say, "The report that I filed some time ago was
39 false"?---I'm sure - - -

40

41 It's not set in stone?---I'm sure they could.

42 No?---I don't know, I'm assuming that might even get them
43 even in more dramas than, you know.

44

45 Are you suggesting that they shouldn't do that, because
46 they'd get in trouble?---No, I'm not suggesting that, it's
47 just - I'm assuming that if a report has been submitted,
48 then it doesn't get unsubmitted once it's there

49

50 It can get corrected, can't it?---I'm not too sure.

51

1 Ms Tower?
2
3 **TOWER, MS:** Mr Pope, do you accept that the right thing to
4 do, if you know your report was a lie, was to notify someone
5 about that?---Yeah, of course.
6
7 In a hypothetical situation, not this situation, if a
8 prison officer comes to you tomorrow and says, "There's a
9 use of force report on my file. It's not what happened,"
10 what kind of advice should you give them?---I should give
11 them the advice to go and let the senior officer know that
12 you've done a wrong report.
13
14 And what would the reason for that be?---Because it's a false
15 report.
16
17 Madam Associate, if we could play exhibit 0192-3^?
18
19 0192-3^
20
21 START TELEPHONE INTERCEPT
22
23 Part conversation 18:37:03 to 18:37:26
24
25 [REDACTED]: But what, what they're, he's trying to allege that
26 fuckin' uhm [REDACTED] was the one that did it all to him.
27
28 POPE: What, assaulted him?
29
30 [REDACTED]: Yeah, assaulted him.
31
32 POPE: Yeah, uhm ah youse are all as long as you all stick to
33 the same story
34
35 [REDACTED]: Yeah, that's
36
37 POPE: that is not what happened, he did not assault him, it
38 all happened when he hit the ground.
39
40 [REDACTED]: And that's what the union's tellin' us to do as long
41 as you say
42
43 POPE Is that what the story
44
45 [REDACTED]: as per my fuckin' report.
46
47 POPE: is that what the story, paperwork said?
48
49 END TELEPHONE INTERCEPT
50

1 **TOWER, MS:** Mr Pope, again that's your voice we can
2 hear?---Mm hmm.

3

4 From line 6 onwards, you say:

5

6 As long as you all stick to the same story -

7

8 - it continues:

9

10 That's what happened. He did not assault him. It all
11 happened when he hit the ground.

12

13 Isn't the crux of what you're saying here that, as long as
14 the prison officers meet up and get their story straight and
15 stick it, then there will be no consequences?---I don't - I
16 don't - well, yeah, it's kind of saying that, but I still
17 don't know at this point if there has been an actual assault.

18

19 What would the need then be to stick the same story?---I
20 don't know. I'm just trying to be supportive.

21

22 But Mr Pope, by this point you understood that there was
23 alleged assault?---Alleged assault, possibly.

24

25 So why wouldn't your advice be - - -?---My advice was not
26 ever generally to [REDACTED], who is allegedly the assaulter, it
27 was more so to the people who were, you know, done the silly
28 thing by not putting the right thing in the report. I would
29 never say to anybody who actually punched a person who did
30 it, that they did the right thing, anyway.

31

32 But it is okay to tell someone who saw that happened to stick
33 to that story that it never happened?---I don't know if he
34 - if he even told me that he seen it or not.

35

36 Why not just give the advice, tell the truth?---Well, in
37 hindsight, I should have. I - like I say, the majority of
38 all this was just trying to mentally support a mate, you
39 know. It was all kind of said within the means of, you know,
40 support them. I've not - I'm not a hundred per cent sure if
41 this has actually happened, and there was an assault that
42 took place..

43

44 Mr Pope, can I suggest to you that what you're doing here
45 isn't mentally supporting a friend going through a hard time,
46 it's giving them tactics about how to get around an
47 investigation?---Well, like I mentioned before, I didn't
48 have any - I didn't feel I had any power over the outcome of
49 what was going to happen. I was just maintaining a
50 friendship.

51

1 You said earlier, Mr Pope, that ethical behaviour was
2 important. You accepted that?---I still do.

3
4 How does the advice that we're hearing in these calls line
5 up with the ethics expected of you?---Like I said, I take
6 that one on the chin. I should - not everybody is perfect
7 and some people, some good people do wrong things sometimes,
8 and they've not done the right thing in regards to what my
9 advice should have been. I've already even said that from
10 the start of this, so all I'm doing by trying to tell you
11 what I'm saying is not denying this, but more so trying to
12 think to myself, in what context was I saying it? And a lot
13 of it is - a lot of it is to do with just trying to be a
14 friend for him and be there for him. I've never had an
15 incident where I've forged - was dishonest with my reports,
16 or anyone else that I worked with, I've never seen anybody
17 else that I worked with come to me and say, "We need to put
18 the wrong thing in the report here".

19
20 By giving this advice though, Mr Pope, could you have been
21 encouraging this officer, rather than telling the truth,
22 encouraging him to stick with that old lie? Do you accept
23 that you could have influenced him by saying this?---Well,
24 if - I possibly could. I mean, if the assault did not take
25 place, then sticking with the report is the right thing to
26 do.

27
28 What about coaching [REDACTED] in case she cracks?---Well,
29 like I said, I wasn't there at the time when I said this, I
30 don't know the exact intention of it, but it could have well
31 been the fact that she's not the best speaker or whatever,
32 and just make sure she doesn't - I wasn't aware of this
33 incident before I even got to Hakea, and I wasn't even - I
34 never even knew it had happened - like nobody talked to me
35 about this and said, "Yeah, a while ago somebody assaulted
36 this person," or whatever. I never knew this happened until
37 the day that they got stood down from work, and I made that
38 initial phone call to see what was going on, and to be some
39 sort of support and, obviously, bad support.

40
41 Madam Associate, I'm finished with that exhibit. If I could
42 please have exhibit 0106^?

43
44 0106^

45
46 These are excerpts of a Facebook Messenger conversation from
47 14 and 15 2020, and they're between yourself and one of the
48 other officers allegedly involved in the 2018 incident. I'll
49 give you a minute, Mr Pope - do you recognise this
50 conversation?---No. Is Mr Pope grey or blue?

51

1 Grey?---Can I read the whole lot?
2
3 Yes, of course?---So that looks like it was, yeah, texts
4 between [REDACTED] - - -
5
6 Yes?---The alleged - - -
7
8 First of all, I'm going to read out the section at the
9 beginning on the left-hand side. So it starts with you
10 saying:
11
12 Hey mate, won't say too much on here about what's going on
13 till we catch up, but just to let you I'm here to support
14 you guys in any way I can. It's a fucking disgrace what
15 they are trying to do.
16
17 There's a reply from the other prison officer:
18
19 Thanks Big Dog. Just remember this when it comes to this
20 department - - -
21
22 **THE WITNESS:** Can I just make one statement in there. I
23 don't know if it's relevant or not. I've never caught up
24 with him - I know it says in there - I've never caught up
25 with him since this. I don't know if that's relevant,
26 but - - -
27
28 **TOWER, MS:** We'll clarify that. Since he was stood down,
29 you haven't seen him at all?---Since he was stood down,
30 [REDACTED], I have not seen him.
31
32 Have you spoken with him on the telephone?---I don't recall.
33 Maybe - maybe I called him to see what was going on when
34 this got - first happened, but I very rarely had any contact
35 with him since this had happened, other than these texts,
36 maybe other texts, I don't know, but - - -
37
38 Have you spoken with him since the Commission became
39 involved, to your knowledge?---I can't recall, sorry.
40
41 Coming back to these messages, they continued from you:
42
43 All good, man. It's an attack on all of us. We will be
44 punching bags for them soon.
45
46 I'm then going to go over to the right-hand side. There's
47 a portion of your first message at the top there that says:
48
49 I see it as an attack on all of us - on all of us, so officers
50 would be stupid to think otherwise. Could be then next they
51 dig records up on.

1
2 Mr Pope, why do you see standing down prison officers for a
3 misconduct investigation to be an attack on all
4 prison officer?---Yeah, like I said, I was not aware - and
5 even now - that [REDACTED] actually did assault anybody. I know
6 it's under investigation. That's why I'm saying those
7 things, because if - it did feel like a bit of an intrusion
8 that - and if he was innocent, then I was thinking, you know,
9 he was just getting picked on.

10
11 But Mr Pope, at the very least you understood that the
12 reports weren't accurate?---Yeah, but I'm not - yeah,
13 possibly, but I'm not trying to put two and two together
14 here. I'm not their lawyer, I'm not giving legal advice.
15 I'm just having a conversation as a normal Joe Blow sort of
16 bloke. I'm not - and like I said, I haven't had much to do
17 with this guy since.

18
19 But Mr Pope, not possibly, from your conversations with the
20 last officer, your concern for him was that his report wasn't
21 accurate, and he might get in trouble?---You man [REDACTED]?

22
23 Yes?---Well, whatever concern that may be, it was more
24 friendship, support, rather than trying, really trying to
25 get him to do anything wrong. It sounds worse than what I
26 think I intended, to be fair, but - - -

27
28 But you understood his report wasn't accurate?---Well, I -
29 that's what they got stood down for I'm pretty sure, yeah.

30
31 And when you spoke with him that was his concern, that he
32 might get caught with an inaccurate report. That's the case,
33 isn't it?---Is that what he said? I - I can't remember if
34 that's what he said. These - this - - -

35
36 **THE ACTING COMMISSIONER:** Was that his concern?---Sorry?

37
38 Was that his concern?---Was it? I'm not too sure if - these
39 - this conversation's so long ago I can't remember at what
40 time someone said what.

41
42 **TOWER, MS:** I'll ask you one more question about this
43 document. On the left-hand side the other officer says:

44
45 Just remember this when it comes to this department.

46
47 What did you understand that to mean?---At that time? I'm
48 not a hundred per cent sure but what comes to mind is that
49 - because like I'm saying at this point I'm not assuming
50 he's done - that he is guilty. So I'm assuming that - I'm
51 - I'm not - I'm not a hundred per cent that I was assuming

1 this but I could be assuming that you could do nothing wrong
2 but still get in the shit, like words to that effect sort
3 of.

4
5 Is that a common perception of - that prison officers have
6 about the Department?---That you could be doing - I can't
7 speak for everyone else on that comment so much but everybody
8 knows, feels, that they are liable, that we've got a lot of
9 responsibility. Everybody feels that and everybody, I think,
10 feels that, you know, things could go wrong very quickly and
11 have you accountable for a lot of stuff.

12
13 Thank you, Madam Associate. I'm finished with that.
14 I'm going to play another portion of a phone call between
15 yourself and the officer that we've been hearing you on the
16 phone with, again it's from 14 August 2020.

17
18 Madam Associate, can we have exhibit 0250-1??

19
20 0250-1^

21
22 START TELEPHONE INTERCEPT

23
24 Part conversation from 18:40:09 to 18:40:53

25
26 POPE: It's hard, it's hard to say 'cos when you're, when
27 you're in, it's easy to say that now but when you're in that
28 moment and they're just

29
30 [REDACTED]: It is eh?

31
32 POPE: pissing you off and, and you know you work with people
33 that'll have your back and, and it'll never, and, and the
34 truth will never get out it's hard not to just slam the cunt
35 (indistinct) fuck him.

36
37 [REDACTED]: I'm just so lucky the people I was with are all ones
38 who are gonna have my back so

39
40 POPE: Yeah, exactly in seven.

41
42 [REDACTED]: [REDACTED] and [REDACTED].

43
44 POPE: Imagine if that had've happened in

45
46 [REDACTED]: [REDACTED].

47
48 POPE: Yeah. Imagine if that had've happened in five or
49 something. That's why, that's why I need to get to fuckin'
50 seven man because

51

1 [REDACTED]: Yeah man. Everyone's
2
3 POPE: since I've left, since I've left man, I've taken a lot
4 more shit than I normally would.
5
6 [REDACTED]: Yeah.
7
8 POPE: You know what I mean, 'cos you don't know who, like
9 you in unit four and like, don't get me wrong. I've done a
10 few PD5's
11
12 [REDACTED]: (indistinct)
13
14 POPE: but nothing to the, to the uh
15
16 [REDACTED]: Not to the extent you'll do it in seven 'cos you know
17
18 POPE: Nah.
19
20 [REDACTED]: everyone has your back.
21
22 POPE: 100 percent, yeah.
23
24 END TELEPHONE INTERCEPT
25
26 **TOWER, MS:** Mr Pope, that's your voice we can
27 hear?---Yeah.
28
29 And the other voice is the same male prison officer we've
30 been hearing on the calls?---Mm hmm.
31
32 If we could scroll up?
33
34 First I'll ask, Mr Pope, at this point in time you understood
35 that there had been an assault against a prisoner. Isn't
36 that correct?---Well, alleged I suppose.
37
38 Well, at this point in time you had been told that the
39 prisoner had actually been assaulted. Isn't that the
40 case?---Well, alleged assaulted. I didn't know. I'm not
41 sure if it happened or not.
42
43 If you thought the allegation was untrue, why are you having
44 this conversation?---I don't know what you're getting at,
45 sorry.
46
47 Okay. So if we could go to line 6 you say:
48
49 It's hard not to just slam the cunt.
50

1 They're you referring to prisoners, aren't you?---Well,
2 yeah, I'm assuming. But I don't - yeah, but I don't know
3 what the context of that was or anything. I'm - I don't go
4 around slamming prisoners. That - that - that, to me, is
5 just a - a figure of speech. It's not in a - - -
6
7 Mr Pope, in this conversation you go on to mention a bunch
8 of numbers; things you'd do in 7, things you'd do in 5.
9 Those are units in Hakea, correct?---Yes.
10
11 So do you accept the context of this phone call is Hakea
12 Prison?---Yes.
13
14 What you do at work?---Mm hmm.
15 And so at the top there when you say:
16
17 It's easy to say that now, but when you're in that moment
18 and they're just pissing you off and - and you know you work
19 with people that'll have your back and it'll never - and -
20 and the truth will never get out, it's hard not to just slam
21 the cunt.
22
23 That's about using force on prisoners at Hakea Prison,
24 correct?---Yeah, but it's - it's not saying that I'd do those
25 things. It's just saying that it's hard not to. Like if
26 you're dealing with a hostile prisoner, you know, we're all
27 human beings, if you - if, you know, they're swearing at
28 you, abusing you and, you know, I've never - I've never
29 slammed a prisoner to the floor with excessive force. I've
30 never done that.
31
32 That's my next question, Mr Pope. Have you ever used
33 excessive force on a prisoner at work?---No, not excessive
34 force.
35
36 In your role at Hakea how many use of force incidents have
37 you been involved in?---I don't know. I couldn't give you
38 a number at the top of my head.
39
40 Guess for me. One? A hundred?---Definitely not a hundred
41 and definitely not one. I don't know. I - I couldn't be
42 accurate.
43
44 Less than 20?---Less than 20 I'd say. Yeah, less than - yeah,
45 I don't know.
46
47 Less than 10?---Maybe around that mark.
48
49 About 10 in three years?---Well, in three - I don't know how
50 many I had in Kalgoorlie. I don't think there was that much,

1 because Hakea's a lot more of a hostile environment to work
2 in. Yeah, I don't know exactly.

3
4 And you have filed use of force reports for each of those
5 occasions?---I believe so.

6
7 You believe so or you did?---Well, yeah, ones that I was
8 involved in would have been reported.

9
10 And, Mr Pope, when you wrote those reports were they
11 accurate?---Yeah, they should have been. They would have
12 been. I don't recall doing a inaccurate report.

13
14 Because, Mr Pope, one interpretation of this conversation,
15 especially this portion at the top, is that if a prisoner in
16 your words "pisses you off" you can, your words, "just slam
17 the cunt". Do you have a comment about that
18 interpretation?---Where - where does it say that, sorry?

19
20 So from the top portion of this page - thank you?---Sorry,
21 your question again?

22
23 One interpretation of what you're saying there is that if
24 prisoners piss you off it's okay with you if they get
25 assaulted?---No, I'm - I'm just saying that it's hard not to
26 sometimes. I'm not saying every single time and I'm not
27 saying this is me every single day with every single
28 prisoner. Some prisoners may wind you up, deliberately try
29 and wind you up more than others and it - it is a job
30 sometimes where it is a bit harder to restrain yourself.
31 That's all I'm saying. And I'm not saying - - -

32
33 What about the part where you said you know the people you
34 work with - sorry:

35
36 You know you work with people that'll have your back and -
37 and it'll never - and the truth will never get out.

38
39 Why do you say that?---Well, I don't know that. I don't
40 know why I've actually said that.

41
42 Mr Pope, is that how it works at Hakea Prison? If prison
43 officers assault a prisoner, the truth doesn't get
44 out?---No, I've never - I've never seen an incident where
45 that's occurred. So for me that's just locker room talk,
46 throw-away comments. It's just - I don't know the
47 surroundings of that and when it was said and why it was
48 said.

49
50 Mr Pope, I'd suggest to you that you said that, that the
51 truth will never get out because the people you work with

1 have your back?---I basically - I - I was basically saying
2 that people there are - you know, they do have your back in
3 regards to if you're going to - if you're in danger or you're
4 going to be assaulted or whatever.

5
6 **THE ACTING COMMISSIONER:** No. It's about them not telling
7 the truth, isn't it?---Well, it's an assumption that they
8 would have your back - in that sense.

9
10 Yes, and they'll have your back by not telling the
11 truth?---Well, that's a - - -

12
13 That's how they'll protect you, isn't it?---That - that's -
14 that's more so my assumption at the time.

15
16 Well, it's not your assumption. That's what you're
17 saying?---Well, I - I don't - it's what I'm saying, yeah.

18
19 Yes?---But I don't know if they would or wouldn't in that
20 sense. I'm just - that's just talk.

21
22 No, but that confidence that you're working with people will
23 have - - -?---There is - - -

24
25 - - - your back and not tell the truth is something
26 that - - -?---But it is - - -

27
28 Sorry, I haven't finished?---Sorry.

29
30 Is something that encourages you or makes it easier for you
31 to assault the prisoner?---Well, I didn't assault any
32 prisoner.

33
34 No, no?---And - - -

35
36 But you're saying that those factors are something that make
37 it easier for you to do that?---They - well, it could - if
38 - I'm assuming that that is if the people - - -

39
40 Yes?--- - - - that I'm saying in that unit would have your
41 back in that sense.

42
43 Yes?---I'm not sure if they would or wouldn't, though. I'm
44 just - that's an assumption of myself.

45
46 But if you were confident that they would you'd be more -
47 you'd feel easier, you'd feel more comfortable about doing
48 it knowing there'd be no repercussions. Isn't that what
49 you're saying?---I don't know what - I don't know why I've
50 said that in that time period.

51

1 Yes, Ms Tower?

2

3 **TOWER, MS:** Mr Pope, do prison officers put pressure on
4 each other to not submit use of force reports?---Not that
5 I'm aware of. Most reports I've been in get submitted.
6 Like, I can't recall of one that didn't.

7

8 So you have - you've never been present for a use of force
9 report - a use of force incident that wasn't reported?---Not
10 that I'm aware of.

11

12 And have you ever been involved in a use of force incident
13 where a prison officer pressured someone to minimise the
14 force in their report?---Not that I'm aware of. Because
15 I've - I've - I've never used excessive force on a prisoner
16 or that I've seen of other people do.

17

18 **THE ACTING COMMISSIONER:** The question wasn't limited to
19 you using use of force, the question was about had you been
20 in any sort of situation or circumstance where there had
21 been use of force and you were encouraged to minimise the
22 use of force or to file a report which minimised the use of
23 force. Have you ever been in that situation?---To - to make
24 it sound like you haven't used as much force as required?

25

26 Yes?---Well, I don't recall that, no. No, you generally put
27 in the report what happened.

28

29 **TOWER, MS:** Mr Pope, if an unlawful assault against a
30 prisoner did occur how easy would it be to make sure that
31 the truth doesn't get out for the officers involved,
32 hypothetically?---Well, I don't know cos it's not like I'd
33 go around smacking crims in the face and then say let's not
34 say that.

35

36 So are you saying this is not a culture you're aware
37 of?---No. I think - I think that in regard - there's officers
38 that do the wrong thing from time to time. I personally
39 don't see a toxic - how you describe it, toxic culture that
40 relates to misconduct in Hakea, as if every officer is like
41 that. I - Hakea is full of good family people who come to
42 work in really harsh conditions and they're just trying to
43 get by. They're trying to deal with it the best they can.

44

45 Mr Pope, the Commission has heard evidence that those prison
46 officers who speak up about misconduct are called dogs, are
47 called rats. Are those phrases you've heard?---Yeah, I've
48 never heard that but I've never been a - I've never heard
49 anyone call anyone a dog or a rat for not saying the right
50 thing.

51

1 So you've never heard of a prison officer being retaliated
2 against in some way for speaking up?---Against a misconduct?
3
4 Yes?---Not that I recall, no.
5
6 In this conversation we can see from line 14 onwards you
7 comment:
8
9 Imagine if that had happened, had have happened in 5 or
10 something -
11
12 - and then you continue and I'll read down, there's some
13 interjections by the other man but I'll read your portion to
14 start with, so:
15 Imagine if that had happened in 5 or something, that's why
16 I need to get fucking - to get to fucking 7, man, because
17 since I've left - since I've left, man, I've taken a lot
18 more shit than I normally would. You know what I mean? Cos
19 you don't know who - like in - like you in Unit 4 and like
20 don't get me wrong, I've done a few PD5s -
21
22 - please scroll down -
23
24 - but nothing to the - to the - ah - - -
25
26 The male officer interjects:
27
28 Not to the extent you'll do it in 7 cos you know -
29
30 - you say "Nah", he says -
31
32 - everyone has your back.
33
34 You say:
35
36 A hundred per cent. Yeah
37
38 ?---Yeah.
39
40 What is the extent to which you'd use force in 7 that you
41 wouldn't in other units?---Well, generally other - other
42 units where I felt where officers less inclined to support
43 you if there was an aggressive - aggressive prisoner coming
44 at you. That's what I'm getting at there is that in other
45 units you don't feel as safe if there's not another officer
46 who is willing to put themselves on the line to deal with
47 another prisoner coming at you violently and aggressively.
48 That's what I'm getting at. That's the core of what I'm
49 trying to say there.
50

1 Because another interpretation, Mr Pope, is that the
2 officers in Unit 7 support you and keep you safe, not
3 physically against the prisoners but about repercussions for
4 using excessive force?---It doesn't happen. I've not - I
5 don't witness, on a daily - or at all, officers bashing
6 prisoners. I mean, this - this - this, what has come to
7 like sounds really bad or whatever but this isn't accountable
8 for how every officer works. And this is me that's just
9 made a bit of a mistake in regards to this comment here,
10 that's - that's not me saying that, you know, in Unit 7 we
11 smash the hell out of them or boot them on the floor or do
12 any misconduct like that. It's just saying that in other
13 units, certain other units, they basically have to tolerate
14 more, you know, misconducts from the prisoners to officers
15 and they just wear it, even though they should be being more
16 regimented on it and doing disciplinary procedures with them;
17 i.e., go and put them in their cell, send them down to Unit 1
18 - whatever. All I'm trying to say is in - where I was saying
19 about this comment in 7 it - people generally have their -
20 their - a concern for each other's welfare I've noticed more.

21
22 If we can scroll back up, Madam Associate?
23

24 Mr Pope, how did you know that it would be acceptable - no,
25 I'm referring to this paragraph at the beginning. How did
26 you know that it would be acceptable for you to talk like
27 this to this officer?---What part? What line or whatever?
28

29 Not a problem. So from 2 you say:
30

31 When you're in that moment and they're just pissing you off
32 and - and you know you work with people that'll have your
33 back and it'll never - and - and the truth will never get
34 out, it's hard to not just slam the cunt - indistinct - fuck
35 him.
36

37 That one?---Well, I don't know. It was just a camaraderie,
38 knowing that, you know, you work with good people that'll
39 have your back. That's all I'm really trying to get out of
40 that. But that's all I - and that's all - like I don't
41 remember saying this or the - obviously I've said it but
42 what I'm saying is I don't remember it so I don't know at
43 the time why I was saying it.
44

45 This tone you're displaying in what you're
46 saying - - -?---Mm hmm?
47

48 - - - are you expressing a common attitude that you would
49 hear among prison officers at Hakea?---No.
50

1 So is this something then that is more unique to the
2 relationship you have with this officer?---Well, it's just
3 a - one comment that I've - you know? It's very immature
4 speaking, definitely, and it's quite a - there's exaggeration
5 in that comment I believe because that's just - it's just
6 not what we do. Like, I don't go around looking for prisoners
7 to slam on a daily - - -

8
9 Mr Pope, do you accept your comments here they're not just
10 immature, they're unethical and inappropriate as a prison
11 officer?---Well, it's a private conversation between myself
12 and a - a friend, that it's - like when we're dealing in the
13 - in the units, in the wings, we're very professional and we
14 keep that standard, whether you believe it or not. And when
15 we're on our own is - we are - it's like a relief valve to
16 be able to speak normally and - and talk normally and down
17 to earth and a lot of the time it's just locker room chat
18 that's just exaggerated and gone out of proportion and this,
19 to me it just appears like it's just you know boy chat, just
20 immature boy chat. It's not - - -

21
22 Mr Pope, the Commission has heard evidence of the phrase
23 "concrete justice" being used in connection with assaulting
24 a prisoner. Is that a common phrase that's used among prison
25 officers?---Never heard of it.

26
27 Coming back to this conversation, this locker room chat as
28 you put it, is that something that is acceptable broadly
29 among prison officers?---This type of conversation?

30
31 Yes?---I - I would say that - I don't know. Well, some
32 officers; some don't. There's 300-odd staff - officers at
33 Hakea so everyone's kind of different and you kind of - yeah.
34 But I mean I - I personally think if officers heard that
35 then they may - they - some may, some may not assume - I
36 would say more than likely most people would not assume that
37 misconduct is associated with that, because it doesn't -
38 doesn't say there was. They could see it as a person - that
39 person's personality, the way they speak.

40
41 So you don't think everyday prison officers would find this
42 conversation shocking in any way?---Because I - more than
43 likely not but I don't - I don't note count. Like I said
44 300 staff, I don't know 300 people's minds and how they work
45 and how they think. I think that they would see this as
46 more joke humour than anything which is pretty much the
47 context I feel I've said it in, like exaggerated humour.

48
49 Mr Pope, in terms of the - the conversations that we've heard
50 today do you appreciate that your conduct was
51 inappropriate?---In - in regards to the report writing - - -

1
2 Yes?--- - - - and all that? It - it was inappropriate and
3 - and to my defence, which is very small cos I'm admitting
4 that it's inappropriate, a lot of it was due to knowing that
5 I didn't have any outcome over the - feeling I didn't have
6 any - I don't have any control over the law and what it does,
7 and that predominantly it was more me trying to be a friend
8 to somebody who'd been stood down that - I believe at that
9 time I didn't even know 100 per cent sure if anybody had
10 been assaulted. The most I'd know at that point, in what
11 we've just discussed and figured out, was that there was a
12 collusion, if anything. But I can't remember that far back,
13 to be honest.
14
15 But part of your advice here was to encourage a prison
16 officer to lie about the fact that there had been a - there
17 had been collusion?---Well, what was it I was saying? What
18 was I saying, stick to the - I can't even remember the advice
19 I gave but in regards to what we've seen today what was I -
20 what was I saying, "Stick to your report"?
21
22 Were you encouraging other prison officers to maintain the
23 lie?---I didn't know there was a lie in the first place
24 regarding an - an assault because I didn't know, a hundred
25 per cent sure, if someone had been assaulted. I knew there
26 was an accusation of it.
27
28 But surely, Mr Pope, you understood that what the reports
29 said was there's no assault?---Yeah.
30
31 And you knew the reports - - -?---Because - because people
32 wouldn't have their job if they reported it as an assault.
33
34 But you knew the reports had said there's no assault,
35 yes?---Presumably, yeah. Of course, yeah.
36
37 And you knew the reports weren't true?---Well, no, I'm not
38 going to say that. I don't know if it was true, cos I don't
39 know if - if he did assault anybody. It was - and he's not
40 guilty yet, is he? I don't know what's going on there.
41
42 From your understanding from what you'd been told by these
43 officers, you knew they'd colluded to write something on
44 their reports that wasn't just simply the truth about what
45 happened? You knew that much?---Well, there was a reason
46 they were stood down. Yeah, I - I'm pretty sure it was due
47 to report colluding, yes. But whether it was due to an
48 assault 100 per cent that happened I don't know, and I wasn't
49 even trying to put the two together because like I said, I
50 was just being - giving more friend advice or friend chat

1 that I knew that I didn't have any control over the outcome
2 once I - I knew that.

3

4 But, Mr Pope, if you knew there was collusion at the very
5 least you must have suspected that what really happened was
6 excessive force was used?---I didn't assume that it was.

7

8 I'm not asking you assumed. Did you suspect it?---I don't
9 know, because I was - I was just trying to talk to a friend.
10 Like, I was just trying to be there for a friend. I didn't
11 - to be fair, I didn't even really - as much as it sounds
12 like I'm getting involved I didn't really care. I was just
13 more so chatting and being involved in their life more than
14 anything, I think.

15

16 Because, Mr Pope, you sound quite involved from these
17 conversations?---I do, yeah, for sure.

18 It sounds like you're giving advice to this officer, "Keep
19 up the lie, get your story straight; meet up, go coach
20 [REDACTED] and you'll be okay"?---It sounds like that but I
21 don't know what was going on - through my head at that time
22 in regards to the knowledge I had and what was actually
23 happening.

24

25 But do you accept that from your words what the other officer
26 could have taken from that was advice about what to do in
27 the investigation?---That I'm giving advice on what to do in
28 the investigation?

29

30 Yes?---Well, yeah, clearly I'm saying things like that.

31

32 And in doing that you're undermining this misconduct
33 investigation, aren't you?---To an - to an extent. But like
34 I say, I'm not a lawyer or anyone that gives legal advice or
35 anything like that. I've - I've stepped out of my line as
36 far as honesty may be concerned but I'm not even too
37 concerned about what actually happened, more so having a
38 chat and then - of welfare.

39

40 Do you accept, though, that your actions here could be
41 reinforcing a culture that where there are misconduct
42 allegations they're to be dismissed or minimised rather than
43 taken seriously?---I'm not going to sit here and say there's
44 a culture at Hakea in - in toxicity; because I don't see
45 that, I see individuals that may make the wrong choices here
46 and there. But like I said, Hakea's full of good officers
47 who deal with things in the harshest environment and they do
48 well to keep up what they do.

49

50 What about your actions, Mr Pope? What kind of a culture
51 were your actions contributing to here?---Well, my actions

1 may well have been contributing to the fact of, you know,
2 not sticking to the truth quite possibly. Like I say in my
3 defence to that, which is it's guilty of - of - of - of doing
4 that. But it was just in - to support a friend as I am not
5 a lawyer, I'm not going to give legal advice. I'm - I don't
6 feel like I'm an important person in regards to that and -
7 and could have an outcome over that.

8
9 You spoke about what you think of the culture at
10 Hakea?---Well, what did I say about what I think about the
11 culture at Hakea?

12
13 That there are good men and women who work there and that
14 things - - -?---For sure.

15
16 Do you think there is a culture where if prison officers see
17 misconduct they go report it?---If they - if they see it?
18 Well, I'm assuming that if people see misconduct they report
19 it, yeah.

20
21 So if they see another prisoner using excessive force?
22 Prison officer, pardon me?---Yeah, I'm assuming they would.

23
24 What about bringing contraband into the prisons?---Of
25 course, yeah.

26
27 Bullying?---Officer-to-officer bullying?

28
29 Mm?---Yeah, that - I'm - I think stuff like that gets pulled
30 up all the time. I've never bullied anybody or no one's
31 ever bullied me.

32
33 But from what you - you hear among your fellow prison
34 officers, reporting that kind of thing is accepted?---Well,
35 yeah, of course.

36
37 It's encouraged?---Yeah, all sorts of things are encouraged.

38
39 And you do not see prison officers being punished or
40 retaliated against for making complaints?---I don't see
41 that, no.

42
43 Mr Pope, aside from formal reporting processes is there a
44 culture of prison officers informally challenging
45 inappropriate behaviours or calling it out?---Sorry, you'll
46 have to repeat that please? I was kind of in the middle of
47 a drink.

48
49 Informally, is there a culture of calling out bad behaviour
50 as you see it?---Is there a culture of calling out bad

1 behaviour? Well, see, I'm - sorry, what does informally
2 mean?
3
4 Not a problem. So outside of the - so we've discussed the
5 PD5s, the formal written reporting
6 processes - - -?---Mm hmm.
7
8 - - - or a written complaint somewhere?---Mm hmm.
9
10 Is there a culture of among your fellow employees saying,
11 "Do better next time, shouldn't have said that; stand up
12 your game"?---Yeah. Yep, yep. There's always room for
13 improvement for everything, for sure.
14
15 And is that the culture you see at Hakea, that officers try
16 to improve?---And encourage each other? Yeah. I mean,
17 nothing's ever bloody - it's not like Disneyland where
18 everything's perfect and, you know, not every officer is
19 perfect. There'd be officers around with bad attitudes for
20 sure, but I would say not enough that it becomes culture.
21 I'd say the culture is more - more good, to be honest.
22
23 Do you have any insights you could share with the Commission
24 about why prison officers might not report misconduct?---I
25 don't know. I don't know. I mean, the only thing you can
26 go off is what you're dealing with right now, which is me,
27 and I've done a stupid thing by trying to be supportive to
28 a friend in an incident that I wasn't directly involved in,
29 and didn't have responsibility over, although it's come out
30 that, you know, I may have had some sort of influence on it,
31 which I didn't feel at the time.
32
33 Mr Pope, the Commission has also heard reference to a secret
34 handshake club. What do you know about that
35 club?---Absolutely nothing.
36
37 Moving back to the 2018 incident, at what point in this
38 process did you become aware that the Commission was
39 involved?---I can't remember.
40
41 Do you know who told you?---About this incident?
42
43 About the Commission's involvement in this incident. Do you
44 know whether - well, since the Commission became
45 involved - - -?---Mm hmm.
46
47 - - - have you discussed this incident with any of the
48 officers who were stood down?---I don't know when the
49 Commission became involved. I know I made that phone call
50 with [REDACTED] initially, and then - yeah, I've - people have

1 been discussing at work since then what had actually happened
2 and stuff, but - - -

3

4 Well, perhaps just putting aside when the Commission became
5 involved, who have you seen or spoken to since the officers
6 were stood down?---Even in regards to the officers that were
7 stood down?

8

9 Yes, thank you?---The only officer I've seen in [REDACTED].

10

11 And when did you last see Mr [REDACTED]?---I don't know, a few
12 days ago, something like that. We - - -

13

14 And you haven't seen or spoken to any of the other officers
15 since they were stood down?---Not that I recall.

16

17 And what about things like social media? We saw some
18 messages earlier between you and a different
19 officer?---Mm hmm.

20 Have you spoken to the other stood-down officers on social
21 media?---I don't think so - I don't - no - I don't think so,
22 unless you're going to show me something, but I can't
23 remember.

24

25 Mr Pope, I want to ask you some questions about - I think
26 I'm done with that exhibit, Madam Associate - some questions
27 about the key players within Corrective Services. So first
28 I'll ask you about the executive team. What's a common
29 attitude among prison officers on the ground towards the
30 executive of the department?---The management?

31

32 Yes?---What's the common attitude towards them?

33

34 Is it positive, are they distrusted?---It's positive, and
35 negative at times, depending on what we're going through,
36 you know. And to be honest, I'm not very political at work.
37 In all honesty, I'm just an everyday dude trying to go to
38 work to support my family, come home - I don't really give
39 a shit about the fucking politics at work, to be honest.

40

41 **WATTERS, MR:** Sorry, is "the department" the Prisons
42 Department? When you say, "the department"?

43

44 **TOWER, MS:** Pardon me, the Department of Justice, underneath
45 that is Corrective Services.

46

47 **WATTERS, MR:** Thank you.

48

49 **TOWER, MS:** Thank you, I'll clarify.

50

1 And do you have any insight to share about either of
2 those?---No.

3

4 I will ask about the Professional Standards division, so
5 Professional Standards or PSD, they are the body within the
6 department who internally investigates misconduct. Do you
7 know what's the common attitude among prison officers
8 towards them?---No, I don't know what the common attitude
9 towards - no.

10

11 The reason I ask is that the Commission has heard evidence
12 that the attitude towards PSD is that they're all out to get
13 us, and that they - pardon me?---Well, if you're going off
14 the message that you showed me with [REDACTED] that I forgot
15 about, and where he made the comment of - what was it - just
16 remember the department after this - is that what you're
17 getting at please?

18

19 Yes, that the Commission has been hearing that they are
20 distrusted and that there's an attitude that they're all out
21 to get us, rather than as being an integrated, useful part
22 of a department. Do you have any comment on that?---No, I
23 don't. It's another political comment that I'm not really
24 involved with, or care about.

25

26 What about the WA Prison union, Prison Officers' Union?
27 What's the common attitude among prison officers towards
28 them?---Well, we feel that the union is something - a body
29 that supports us if, you know, something unfair happens to
30 us at work, that's basically when we feel they're supposed
31 to step in, if we've been mistreated by the department in
32 any sort of way, that the union will support us in that.

33

34 And can you make any comment about Hakea Prison? What impact
35 does the union have, if any, on the culture at Hakea?---I
36 honestly don't know.

37

38 Mr Pope, are you familiar with any of the previous inquiries
39 that have happened into use of force incidents at WA
40 prisons?---Previous inquiries?

41

42 Yes?---Of other incidents? No, I don't think so.

43

44 What about any previous attempts by the Department of Justice
45 to try to improve integrity, or improve culture? Are you
46 aware of those?---Improve integrity - integrity?

47

48 Yes. The Commission has heard that it's a priority for the
49 department and they've been trying to make changes. Are you
50 familiar with that?---No. I come to work, let them out,
51 lock them up and go home. That's - - -

1
2 Commissioner, now might be an appropriate time for a
3 10-minute break.

4
5 (THE WITNESS WITHDREW)

6
7 **THE ACTING COMMISSIONER:** We'll adjourn for 10 minutes.

8
9 (Short adjournment)

1 **POPE, TYRONE ERIC RECALLED ON FORMER AFFIRMATION AT 03.41 PM:**

2
3 **THE ACTING COMMISSIONER:** Be seated.

4
5 Yes, Ms Tower?

6
7 **TOWER, MS:** Mr Pope, earlier your evidence was that you
8 didn't know the details of the incident and that you didn't
9 know whether the prisoner had been assaulted. That's
10 correct?---Yeah, I wasn't sure if he was assaulted.

11
12 Even if we accept that, what we see from the calls is that,
13 not knowing that information, your advice is, "Meet up and
14 get your stories right. Stick to your reports. Coach
15 [REDACTED]". What experiences have you had within the prison
16 system that made you give that advice?---I know it was bad
17 - it was bad advice, I'm not denying it.

18
19 So that isn't advice that you hear prison officers give each
20 other within Hakea?---No. This is a one-off thing where
21 someone I worked with got stood down and I rang up, more so
22 to be, you know, a friend, and got caught up talking stupid
23 shit. That's basically the way I see it. I don't see that
24 from other people.

25
26 Commissioner, I have no further questions for this witness.

27
28 **THE ACTING COMMISSIONER:** Thank you.

29
30 Mr Watters, do you have any questions?

31
32 **WATTERS, MR:** I'd like to clarify two matters, if I may.

33
34 **THE ACTING COMMISSIONER:** Sorry, would you like to stand up
35 please.

36
37 **WATTERS, MR:** Sorry, yes. I think McKechnie J once told me
38 to sit down, but I'll stand.

39
40 **THE ACTING COMMISSIONER:** I'm sorry.

41
42 **WATTERS, MR:** But I'll certainly stand up.

43
44 **THE ACTING COMMISSIONER:** I won't say that things have
45 changed completely, but I prefer people to stand.

46
47 **WATTERS, MR:** No, absolutely.

48
49 **THE ACTING COMMISSIONER:** Thank you.

1 **WATTERS, MR:** Mr Pope, you were asked some questions
2 obviously about Mr [REDACTED]?---Mm.
3
4 Can I just ask you a couple of questions about [REDACTED] [REDACTED].
5 Did you know him before you went to Hakea?---Did I know him?
6
7 Did you know him before you went to Hakea as a
8 prison officer?---Never met him. No, I didn't know him.
9
10 Right. You first got to know him at Hakea?---Yeah.
11
12 And you became friends with him through being a prison
13 officer at Hakea?---Yeah.
14
15 All right. And you yourself have a young family?---Yeah.
16
17 And does Mr [REDACTED] have a young family?---I don't know. I
18 think he's got a girlfriend.
19
20 Would you and he socialise outside of prison?---At times,
21 yeah.
22
23 You said to my learned friend that your call to Mr [REDACTED] was
24 to give him - these are my words - some mental help, some
25 mental support?---Mm hmm.
26
27 Prior to calling him on 14 August, which is the call we've
28 heard, so prior to calling him on 14 August, from your
29 knowledge of him, and your dealings with him - - ?---Mm.
30
31 - - - did you have any knowledge of him that caused you to
32 have concern for his mental health generally?---No, not
33 generally, but I know that being stood down from work would
34 definitely stress somebody out with their, you know, their
35 lifestyle that they need to uphold, bills and mortgage, kids,
36 whatever.
37
38 That's something you're assuming in the sense - that hasn't
39 happened to you though, has it? You've never been stood
40 down, have?---No.
41
42 Okay. Just one other matter I want to ask you about, you
43 were asked about your knowledge of this investigation, or
44 the Commission, the Corruption and Crime Commission - I'll
45 call it the CCC - becoming involved. I believe you were
46 served with a summons by the CCC at your home address. Is
47 that correct?---That's correct, yeah.
48
49 Prior to you being served with that summons, did you know
50 that the CCC were involved at all in the matter involving
51 Mr [REDACTED]?---Sorry, say again.

1 That's all right. Before you got the summons from the
2 CCC - - -?---Yeah.
3
4 Before you were served with that at your home
5 address - - -?---Yeah.
6
7 - - - did you know that the CCC were involved or looking at
8 anything to do with Mr [REDACTED] and Hakea?---I didn't know for
9 sure. Basically, that had been said amongst work colleagues
10 that that's what was going on.
11
12 You had heard it being said at work?---Mm.
13
14 All right. Do you remember whether those things that you
15 had heard at work were before or after you called him on
16 14 August?---I can't recall.
17
18 All right. The 14 August when you called him, I think that
19 was the day he was stood down?---Mm hmm.
20
21 Is that right?---Well, if you've got that in front of you,
22 yeah - I can't remember.
23
24 No, was that your understanding of - when you called him on
25 14 August, was it your understanding he had effectively just
26 been - - -?---Stood down.
27
28 - - - if not that day, but very soon before, stood down from
29 work?---Yeah, he was just stood down from work. Yeah.
30
31 All right. Did you hear that from someone at work?---Yeah.
32 I can't put a face to who it was, but I heard it at work
33 when it happened. Yeah.
34
35 Commissioner, they are the only two matters I would seek to
36 clarify. Thank you.
37
38 **THE ACTING COMMISSIONER:** Thank you, Mr Watters.
39
40 Ms Tower, can the witness be released?
41
42 **TOWER, MS:** Yes.
43
44 **THE ACTING COMMISSIONER:** Thank you.
45
46 Mr Pope, you are released from further attendance at the
47 Commission. A direction has been made that you are not to
48 discuss the matter, or the evidence, with any of the other
49 witnesses to be called until after they have given their
50 evidence. I understand there's a list of witnesses on the

1 website. You can discuss the matter with persons who aren't
2 witnesses?---I can?

3

4

5

6

7

8

9

(THE WITNESS WITHDREW)

10

11 **THE ACTING COMMISSIONER:** We'll adjourn.

12

13 **WATTERS, MR:** Thank you, sir.

14

15

AT 3.47 PM THE MATTER WAS ADJOURNED ACCORDINGLY

**Certificate Made Under Section 50A of the
*Evidence Act 1906***

The transcript of Tyrone Eric Pope heard on Thursday,
19 November 2020

was made in good faith and, subject to any qualification referred to below, is correct, accurate and complete transcription of the contents of the recording;

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Certified on this 19th day of November 2020 by: Glenda Judge, Sheila Robbshaw and Joshua Stevenson

Full Name: Glenda Judge
Sheila Robbshaw
Joshua Stevenson

Occupation: Transcriber and officer of the Commission under the Corruption, Crime and Misconduct Act 2003 ss 182, 3 who has taken an oath before the Commissioner.

Signature: (Glenda Judge) (Sheila Robbshaw) (Joshua Stevenson)

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