

CORRUPTION AND CRIME COMMISSION

OF WESTERN AUSTRALIA

ACTING COMMISSIONER SCOTT ELLIS

TRANSCRIPT OF PROCEEDINGS

AT PERTH ON FRIDAY, 20 NOVEMBER, AT 2.14 PM

COUNSEL:

MS JESSICA TOWER

WITNESS: KEVIN JOSEPH SAID

WITNESS COUNSEL:

MS PATTI CHONG

1 **SAID, KEVIN JOSEPH CALLED AT 02.14 PM:**
2
3 **THE ACTING COMMISSIONER:** Please be seated.
4
5 **THE ASSOCIATE:** The Commission is conducting a number of
6 examinations for the purposes of an investigation under the
7 Corruption, Crime and Misconduct Act 2003. The scope and
8 purpose of the Commission investigation is to enable the
9 Commission to examine how the culture contributes to serious
10 misconduct in Hakea and other prisons in Western Australia.
11
12 Before your examination begins it is necessary for you to
13 take an affirmation. If you could please read the
14 affirmation out loud?
15
16 **SAID, KEVIN JOSEPH AFFIRMED AT 02.14 PM:**
17
18 **THE ASSOCIATE:** Thank you. You may be seated.
19
20 **THE ACTING COMMISSIONER:** Now, Mr Said?---Yes, sir?
21
22 I see that you have received and signed the notice to
23 witnesses?---Yes, sir.
24
25 Thank you. I have appointed Ms Tower to act as counsel
26 assisting me. She will ask questions on my behalf.
27
28 Ms Chong, do you seek leave to appear?
29
30 **CHONG, MS:** Yes, I do, with Mr Jiang, Mr Commissioner.
31
32 **THE ACTING COMMISSIONER:** Certainly. You have leave.
33
34 Ms Tower?
35
36 **TOWER, MS:** Please state your full name?---Kevin Joseph
37 Said.
38
39 And what's your job title, Mr Said?---I'm a senior officer,
40 senior - senior prison officer at Hakea Prison.
41
42 How many years have you been a prison officer?---Twenty-
43 five.
44
45 And in that time which prisons have you worked at?---I've
46 worked at Roebourne Regional Prison. Got transferred back
47 to Canning Vale in them days and then it was changed to Hakea
48 and to a remand site.
49
50 And how long have you worked at Hakea?---Approximately
51 24 years.

1
2 And in that time which units have you worked in within
3 Hakea?---Every unit.
4
5 Mr Said, as a prison officer do you understand that it's
6 your responsibility to report misconduct if you see it?---
7 Yes.
8
9 For use of force are there guidelines around when force can
10 be used?---Only if it's absolutely necessary, if there's no
11 other avenues.
12
13 And when force is used there's a requirement, isn't there,
14 that reports need to be written to detail the force that was
15 used?---Yes.
16
17 And to describe the incident?---Yes.
18
19 Isn't it the case that one purpose of those reports is that
20 the incident can be reviewed and the use of that force can
21 be reviewed?---Yes.
22
23 And if there are any problems identified in the use of that
24 force, that might be something that's discussed with
25 management or go to the Professional Standards Division?---
26 Yes.
27
28 And as a consequence of that, sometimes the Professional
29 Standards Division might investigate a use of force
30 incident?---Yes.
31
32 What's your view of officers who do commit misconduct or
33 commit criminal offences while acting as prison
34 officers?---In the use of force or on anything?
35
36 Either?---They should be dismissed.
37
38 Mr Said, you're aware aren't you that the Professional
39 Standards Division when they conduct investigations
40 sometimes direct prison officers to not discuss the
41 incident?---(No audible answer).
42
43 Are you familiar with that?---No, I'm not.
44
45 You've never heard people being directed to not discuss it?--
46 --Only by youse mob.
47
48 Pardon?---Only by CCC.
49
50 But not by Professional Standards?---No. They've never -
51 I've never had any dealings with them.

1
2 Mr Said, you mentioned that your current rank is senior
3 officer?---Yes.
4
5 What does that role entail?---I'm in charge of a unit, with
6 a certain amount of prisoners and a certain amount of staff.
7
8 And in approximate numbers how many prisoners, how many
9 staff?---Well, it's just recently changed. It was
10 approximately round about the 110 to 120, to about 10 staff.
11
12 And those 10 staff, would they all be of lower rank to you?--
13 --Yes.
14
15 And as part of your role do you review use of force reports?--
16 --No. If there's a use of force I have to do the minutes,
17 what's called the minutes. And then it goes to the next -
18 up the chain.
19
20 And can you explain what that is?---What, the minutes?
21
22 Yes?---Yeah. I just look at each officer's report and then
23 I put my recommendations of what should happen involve the
24 prisoner, i.e. if a prisoner is - like I have to make sure
25 that photographs are taken of any injuries. I have to make
26 sure that staff are all okay, that there's not going to be
27 no injuries involving them and where the prisoner's been
28 sent to, usually to a - if it's a punishment area or something
29 like that and my recommendations, i.e. goes to close
30 supervision or he goes - recommend police charge, things
31 along that line.
32
33 As part of that process would you also be keeping an eye out
34 to make sure that the force that was used was appropriate?--
35 --If I was there.
36
37 When you're writing the minutes do you do that?---No, because
38 I - I - I don't know if it's appropriate because I - I
39 haven't seen it. I haven't seen what happened. I can only
40 go by what's on the reports.
41
42 Yes. But for example, if what was written in the reports
43 indicated that force had been used when it wasn't necessary
44 would you take steps about that?---Well, I - I wouldn't know
45 if it was necessary or not. If the - if a prisoner just
46 abused an officer and an officer had to physically restrain
47 a prisoner and by using force, but that's never happened.
48 So I - I don't know what - how to answer you, that question.
49

1 So in your experience you've never read a use of force report
2 where you were concerned about the amount of force used?---
3 No.
4
5 How long have you been a senior officer?---Approximately
6 15 years.
7
8 And then that would have been both at Hakea and
9 elsewhere?---Yes. No; I apologise, only at Hakea.
10
11 Mr Said, do you agree that senior officers play an important
12 role in signalling what is acceptable or unacceptable
13 behaviour in a workplace?---Yes.
14
15 How would you expect senior officers to respond if they
16 became aware of suspected serious misconduct?---They
17 probably would have to speak to the - the next - this person
18 above them.
19
20 What other options might they have?---They could report them
21 if there's a - report it to the superintendent; make a report
22 that it was things like along it was unnecessary, along that
23 line.
24
25 And do you think that it is important that misconduct is
26 thoroughly investigated?---Yes.
27
28 In your role as a senior officer do you try to lead by
29 example?---Yes.
30
31 Do you only use force against prisoners when absolutely
32 necessary?---Yes.
33
34 Would you make sure that any use of force that you were
35 involved in is accurately reported?---Yes.
36
37 Would you also encourage officers junior to you to be
38 truthful and fulsome in their use of force reports?---Yes.
39
40 Do junior officers come to you for advice,
41 Mr Said?---Regarding?
42
43 Well, regarding misconduct incidents for example?---Well,
44 they'd come to me advice if they're looking for certain parts
45 of the Prison Act or as - if a prisoner's asked them a
46 question that they don't know the answer to. That's
47 basically it.
48
49 If a junior officer came and told you they were being
50 investigated for misconduct, what kind of advice would you
51 give them?---Be truthful.

1
2 And why is that?---Because they could end up here.
3
4 Other than ending up at the Commission?---They could lose
5 their job. They could get charged. Yeah, just be truthful.
6
7 And so you - you would encourage staff underneath you to be
8 truthful and forthcoming into when there is a misconduct
9 investigation?---Yes.
10
11 Would that still be your advice if it meant encouraging that
12 officer to admit wrongdoing on their behalf?---Yes.
13
14 Mr Said, the next questions I have for you relate to an
15 incident you were not a part of.
16
17 **THE ACTING COMMISSIONER:** I'm sorry, just before we go.
18
19 Would your advice to be truthful extend to a situation where
20 the officer was going to have to reveal misconduct by another
21 prison officer?---Sorry, if one?
22
23 Sorry. You were asked about - - -?---Yeah?
24
25 - - - whether you would tell a prison officer who came to
26 you for advice, effectively to admit wrongdoing if they were
27 being investigated. Would your advice to a prison officer
28 who came to you for advice extend to saying, well, you should
29 tell the truth and give evidence or reveal facts which
30 revealed misconduct by another prison officer?---I would
31 just tell them to tell the truth.
32
33 Okay. Thank you.
34
35 **TOWER, MS:** So, Mr Said, my next questions relate to some
36 allegations about an incident in 2018?---Yes.
37
38 The allegations are that a prison officer had unlawfully
39 assaulted a prisoner and that a number of prison officers
40 had written inaccurate incident description reports in order
41 to cover up what had happened. That's the allegation. And
42 the prison officers who were allegedly involved were stood
43 down in August 2020?---Yes, I know.
44
45 And, Mr Said, you're aware of the incident I'm referring
46 to?---I know of the incident. Well, I know - since the
47 breakdown I know of the incident, yes.
48
49 What do you mean the breakdown?---Well, since they were
50 suspended. And then I got the - the summons telling me about
51 the date of the incident and along that line.

1
2 You knew about this incident back in 2018 didn't you,
3 Mr Said?---No.

4
5 At the very least, Mr Said, by the time the officers were
6 stood down you were aware that the version of events in the
7 incident description reports wasn't accurate. Isn't that
8 right?---No. I - I - I knew about the - I was - I spoke to
9 one of the officers on the day he was suspended and he didn't
10 know about it until later and then he told me it was to do
11 with an incident that happened two years ago. I don't know
12 about the incident two years ago. I wasn't on duty. I've
13 got no minutes concerning me.

14
15 It wasn't discussed among the officers, Mr Said?---I don't
16 know if they did or not.

17
18 Or did they with you is my question?---No. No - half of
19 them - they couldn't remember anyway, two years ago.

20
21 When you say "they", which of those officers have you spoken
22 to about this?---Every one of them, on a regular basis

23
24 Mr Said, did you - pardon?

25
26 **THE ACTING COMMISSIONER:** No, sorry.

27
28 **TOWER, MS:** Did you not understand the Professional
29 Standards Division had directed the officers to not discuss
30 it, except for the union, their lawyer and support person?--
31 --No, I didn't know that at all.

32
33 None of them told you that?---No. They wasn't - they wasn't
34 discussing it with me. All I was doing was - I was speaking
35 to them on a regular basis on behalf of staff support.

36
37 Are you saying you never discussed the details of the
38 incident?---They never discussed it with me. They never
39 told me what happened, because half of them couldn't remember
40 what happened.

41
42 Mr Said, were you giving the officers advice about what to
43 do?---I told them to stick by their reports if they can't
44 remember.

45
46 Why would you give that advice?---Because, if they can't
47 remember, that's the only thing they can do, is go by the
48 report, because the report they done on the day would have
49 been truthful, as far as I was concerned.

50

1 Mr Said, were the officers actually telling you that they
2 couldn't remember?---Yes.

3

4 Or were you telling them they should pretend they couldn't
5 remember?---No, I can't recall. I can't recall telling them
6 to pretend that they can't remember.

7 That doesn't sound like advice you would give?---No, I don't
8 think so. No, it don't sound like that.

9

10 And they didn't discuss the details with you? Is that
11 clearly your evidence?---Well, I don't know, they - they
12 might've talked about it in a roundabout way. There was an
13 incident about females and a prisoner was restrained, that's
14 all I know, but they never said, "Joe Blow done this, and
15 this person done that," and things like that. I don't know
16 anything about that.

17

18 And so you didn't know that they had colluded on the
19 reports?---Well, I didn't know they had colluded till you
20 just told me. I thought they was just being - alleged that
21 it was colluded.

22

23 Mr Said, what I'll be doing now is playing a lawfully
24 intercepted telephone call?---Yep.

25

26 And then I'll ask you some questions about it?---Of course.

27

28 The transcript will come up on that screen there, and the
29 audio will play as well. The first portion I'll play is
30 from 14 August 2020, and for context, the Commission has
31 information that this was the day that the officers were
32 stood down.

33

34 Madam Associate, if I could have exhibit 0211-1^?

35

36 0211^

37

38 START TELEPHONE INTERCEPT

39

40 Part conversation from 11:29:03 to 11:29:45

41

42 SAID: At least you ain't on a desert island

43

44 [REDACTED]: Yeah.

45

46 SAID: But uh it sounds like what you said, it's collusion
47 more than anything else.

48

49 [REDACTED]: Yeah.

50

1 SAID: But eh you know how can you fuckin' you, you, all you
2 gotta say is I can't recall which you can't recall. You can't
3 recall
4
5 [REDACTED]: Nah.
6
7 SAID: what happened at that time and who done what and
8
9 [REDACTED]: Nah.
10
11 SAID: who grabbed hold of this and grabbed hold
12
13 [REDACTED]: Nah
14
15 SAID: of that.
16
17 [REDACTED]: Exactly.
18 SAID: You know I am, for sure.
19
20 [REDACTED] [REDACTED]: I just you know I'm, now that's I, 'cos I
21 spoke to the other [REDACTED] as well, [REDACTED] [REDACTED]
22 [REDACTED]
23
24 SAID: [REDACTED] yeah.
25
26 [REDACTED] [REDACTED]: and she said, yeah. She said I've, I quit.
27 They haven't contacted me and she, she said if they come and
28 contact me I'll tell them to go get fucked '[REDACTED] [REDACTED]
29 [REDACTED].
30
31 SAID: Brilliant, brilliant, yeah.
32
33 END TELEPHONE INTERCEPT
34
35 **TOWER, MS:** Mr Said, that's your voice?---It certainly is.
36
37 And you recognise the voice of the other male?---I certainly
38 do, yes.
39
40 And at the time of this conversation, you understood that he
41 had been stood down in relation to this incident?---I knew
42 the minute he walked out the prison, because I was in the
43 gym when he come - when he come out to change out of his
44 uniform, so I knew by - I was one of the first people to
45 know.
46
47 And you understood that the allegation was that this officer
48 had assaulted a prisoner?---No - what, on that particular
49 day? No, I didn't know that at all.
50

1 Are you sure about that?---Yeah. All I know is on that
2 actual day when I spoke to him, the officer told me that
3 he's been - walked out - there was two of them, I believe,
4 walked out that day, and it - as far as he can recall, it
5 was an incident that happened a couple of years ago.

6
7 Madam Associate, if we could scroll up please, to line 4.

8
9 Mr Said, you say here that:

10
11 Ah, it sounds like what you said, it's collusion more than
12 anything else

13
14 ?---Yeah.

15
16 What was collusion more than anything else?---Well, the five
17 of them were involved in an incident, so I believe, and the
18 only thing they can - as far as I'm concerned, if a prisoner
19 got assaulted, there would have been photos taken and then
20 the police would have got involved, and it wouldn't have
21 took two years for it to come to fruition about it.

22
23 Mr Said - - -?---So as far as I'm concerned, it looks like
24 the only thing that they're going for is collusion.

25
26 And what do you mean by collusion?---Where all compare their
27 reports or discuss what they're going to write. I don't
28 know.

29
30 But Mr Said, if five people all write the truth, we wouldn't
31 call that collusion, would we?---That's exactly right, yeah.
32 Then you wouldn't be investigating them if they had all wrote
33 the truth.

34
35 Yes, Mr Said, so by saying "it's collusion more than anything
36 else," that's because you understood that what was in the
37 reports wasn't the truth?---No, I didn't understand that at
38 all.

39
40 Then why are you saying this?---Because as far as I'm
41 concerned that's the only reason they were being suspended,
42 suspended from the job.

43
44 And why is that?---I don't know why they was being suspended.

45
46 How did you come to this conclusion?---Well, I can't see
47 whatever else it can be. Once our - once they said it may
48 be to do with an incident that happened two years ago - it
49 can't be assault, or anything, because they would have been
50 charged by the police by now, so it must have something to

1 do with their reports, and the only thing you can do with
2 reports is the collusion.
3
4 Mr Said, I suggest to you that the reason you said that is
5 because you had been told that the reports were in fact the
6 result of collusion between these police officers, these
7 prison officers, pardon me. Isn't that the case?---No.
8
9 Madam Associate, I'm finished with that document. If I can
10 now have exhibit 0070-4^?
11
12 0070-4^
13
14 This is another telephone call.
15
16 START TELEPHONE INTERCEPT
17
18 Part conversation 14:19:51 to 14:20:12
19
20 SAID: I heard this all happened because [REDACTED] [REDACTED] sent
21 this bloody uhm, she phoned up Casuarina or sent an email to
22 Casuarina saying that ah you know this blokes who's got his
23 (indistinct) has had concrete ah, concrete justice or
24 something like that.
25
26 END TELEPHONE INTERCEPT
27
28 **TOWER, MS:** Again, Mr Said, that's your voice?---It
29 certainly is.
30
31 What's "concrete justice"?---I don't know. I don't know,
32 you'll have to ask the person who is supposed to have said
33 it, [REDACTED].
34
35 May is suggest that the obvious interpretation of what that
36 means is slamming someone into concrete as a form of justice.
37 Is that not what you thought it might mean?---It sounds it
38 could be like that, but I don't know what it means. I've
39 never heard the terminology before.
40
41 But when you - - -
42
43 **THE ACTING COMMISSIONER:** So you were repeating a term that
44 you didn't understand? Is that what you're saying?---I was
45 repeating - sorry, sir?
46
47 You were repeating an expression that you didn't understand?--
48 --No, I was repeating that - that's supposed to have been
49 what this person is supposed to have said to Casuarina, or
50 sent them an email, or phoned them or something like that.

1 I've never - that's the first time I've heard that - that
2 terminology, a concrete justice.

3

4 **TOWER, MS:** Mr Said, even on a first hearing that term, you
5 understand what term is referring to?---Well, I believe I
6 do, but I mean, I can't hundred per cent guarantee what it
7 says.

8

9 What was your impression of what that term might mean?---
10 Exactly what you said.

11

12 So it's the case, isn't it, Mr Said, that you knew this
13 incident wasn't just about reports, that there was an issue
14 that a prisoner might have received concrete justice. You
15 knew that?---I believe that, but the problem is that I can't
16 understand why it's taken two years if someone had been
17 assaulted and this type of thing had happened, I can't -
18 this is what - the only thing that was confusing me is that
19 it has taken two years to come to fruition.

20

21 And Mr Said, you didn't see any potential connection between
22 that and the colluding on the reports you referred to in the
23 last call?---Yeah, as I said to you, the only thing they
24 could have you - have these guys on, guys and girls, is
25 collusion. I can't see them having anything else, because
26 if the person had been assaulted - you don't wait two years
27 to get charged.

28

29 Mr Said, putting this aside for a minute, an you not
30 understand that in a prison environment, if it's a prisoner's
31 word against five prison officers, that it might be quite
32 hard for that prisoner to get justice?---Probably.

33

34 And having worked in a prison environment for that long, did
35 you not appreciate that that might have been what had
36 occurred here?---Two years? I still can't relate - sorry,
37 I can't relate to the two-year gap from when a person -
38 because as far as I was concerned - again, I'm going back to
39 the way the minutes are done, if a prisoner puts - if a
40 prisoner puts a complaint in - first of all, when there's a
41 PD5 photos are taken of the prisoner, whether he's injured
42 or not. So then they would have photo evidence. So then he
43 would have made a complaint, and these things don't take
44 that long to be sorted.

45

46 Mr Said, putting aside your concern that the process takes
47 too long - - -?---Yeah.

48

49 - - - from this call, we can see that you know that the
50 allegation involved a prisoner getting concrete justice.
51 Yes?---No, I don't know what you're talking about here.

1
2 From this call, doesn't this demonstrate that the allegation
3 wasn't just about reports, it was also about a prisoner being
4 assaulted?---Yeah, an allegation that he had been assaulted.
5
6 Yes?---Yeah.
7
8 And surely, you knew that what was written in the reports
9 wasn't "the prisoner has been assaulted"?---I don't know
10 what was written in the reports.
11
12 Were you aware of the people involved facing any consequences
13 following this incident prior to this?---Prior to?
14
15 Prior to being stood down?---No, I didn't even know the
16 incident had happened.
17
18 So you would expect that whatever was written in the reports,
19 it didn't reflect any misconduct or criminal behaviour on
20 the part of those prison officers?---Well, I would image it
21 wouldn't have done, because it would have been checked the
22 next level up, the principal officers, then it would have
23 gone to probably the administration, the people that oversee
24 it.
25
26 So your assessment would have been that the report said the
27 prison officers did nothing wrong in this circumstance?---I
28 would imagine, yes.
29
30 Yet here we can see a concern about a prisoner receiving
31 concrete justice?---Yeah, that's what it says there.
32
33 So if the prisoner did actually receive concrete justice,
34 those reports would have been inaccurate? Right?---Well,
35 yes. Yes, I suppose so, but I can't see it happening - I'm
36 sorry, it loses me, concrete justice and two-year time frame
37 and things like that. I just can't see it, but you know
38 better than me, I suppose.
39
40 Mr Said, you've said that you're surprised this didn't come
41 out earlier. Do prison officers have a culture of closing
42 ranks, covering for each other, even in the face of
43 misconduct or criminal conduct?---No.
44
45 If they did, what would your opinion be of that?---Not the
46 right thing to do.
47
48 Madam Associate, if we could please have exhibit 0213-1^?
49
50 0213-1^
51

1 This is a phone call from 15 August.
2
3 START TELEPHONE INTERCEPT
4
5 Part conversation from 16:34:07 to 16:34:55
6
7 [REDACTED]: [REDACTED] rang me up and said that Josh Jackson
8 has told him that fuckin' Cooper has told, was telling
9 everyone on a night shift that, that we're all fucked because
10 they're, we're all lying in the reports.
11
12 SAID: Jesus Christ.
13
14 [REDACTED]: So I was
15
16 SAID: What a fuckin' thing that, well these people they,
17 they, they should be more fuckin' supportive than comin' out
18 with bullshit like this.
19
20 [REDACTED] [REDACTED]: Especially Cooper. Cooper shouldn't fuckin'
21 throw stones because we've all, we've uh worked with, we all
22 work with Cooper for a long time.
23
24 SAID: And we all know, we all know how each other, we've all
25 got am, ammunition on each person you know
26
27 [REDACTED]: Yeah, exactly.
28
29 SAID: for sure, so we sure, fuck me. Er, how can they prove
30 any single thing
31
32 [REDACTED]: Yeah.
33
34 SAID: if everyone just sticks to the same story.
35
36 END TELEPHONE INTERCEPT
37
38 **TOWER, MS:** That's your voice, Mr Said?---It is.
39
40 And the other voice we hear is the same male prison officer?--
41 --Yes, miss.
42
43 We can see from line 3, the other prison officer says:
44
45 We're all fucked because they were all lying in the reports
46 -
47
48 - pardon me, another prison officer was saying this?---Yes.
49
50 So by the time of this conversation, you know that that's
51 one of the allegations against them?---Yes.

1
2 From line 14, partway across that, we can hear - we can hear
3 you say:
4
5 How can they prove any single thing if everyone just sticks
6 to the same story?
7
8 Mr Said, can you explain your comment here?---Well, as long
9 as they stick to the same story, which is the truth, how can
10 they prove there's anything different
11
12 Mr Said, when we talk about stories - - -?---Well, that's my
13 terminology. The way I speak, obviously, it's not the best,
14 but that's my terminology, the way I speak, where I come
15 from - that's it.
16
17 Because Mr Said, another interpretation of this is you're
18 saying, "Stick with the made-up story, keep colluding". Do
19 you see how that interpretation can come from this?---No.
20 I don't know how you got that idea whatsoever.
21
22 Mr Said, why not say, "Make sure you tell the truth"?---
23 Because it's the way I speak, this - that is me.
24
25 Are you asking the Commission to believe that this is simply
26 a turn of phrase?---Yes.
27
28 And you meant to say, how can they prove anything if everyone
29 just tells the truth?---How can they prove - how can they
30 prove that something happened if it didn't happen, as long
31 as you all carry on with the same story, the same reports.
32
33 Because again, Mr Said, there is a concern that at the time
34 of this conversation you may have known that the reports
35 were false, and you're saying, "As long as you all stick
36 together, no one will know they're false". Is that what
37 happened?---No.
38
39 From line 7, we can see you saying:
40
41 They should be more fucking supportive than coming out with
42 bullshit like this.
43
44 That's referring back to an earlier comment from the other
45 officer where he's talking about the fact that there's
46 someone on night shift saying they're all fucked because
47 they were all lying in the reports. Why do you think other
48 officers should be more supportive of officers being
49 investigated for this kind of conduct?---Because they
50 haven't been found guilty, that's basically it. You haven't
51 been found guilty, and that's what we do. We phone up staff

1 when there's - I phone up - I'm in touch with probably three
2 staff that are suspended or off on stress leave because of
3 allegations against them, and I phone them up on a regular
4 basis, and that's what I do.

5

6 **THE ACTING COMMISSIONER:** And you give - - -

7

8 **THE WITNESS:** That's part of my job.

9

10 **THE ACTING COMMISSIONER:** And you give them advice like you
11 gave the other prison - the other officer in this
12 transcript?---Well, the only advice - the only reason I'm
13 giving it like this, sir, is because the time frame. They're
14 telling me they can't recall the actual incident, what
15 happened on the actual time, you know, the day of the
16 incident, but the others are a completely different scenario.

17

18 **TOWER, MS:** Mr Said, another interpretation of the first
19 portion of this call is that you're saying, prison officers
20 should protect each other, even if there had been misconduct.
21 Make sure you support them. Is that what you're saying,
22 that you expected them to back each other up, even though
23 they might have used too much force?---No.

24

25 From line 7 you make the comment:

26

27 We've all got ammunition on each person, you know

28

29 ?---Yes.

30

31 Why did you say that?---Because we have. I'm talking - and
32 it's nothing to do with the job. I'm talking about
33 socialising, getting drunk, slagging off admin, things along
34 that line. I ain't talking about doing anything wrong within
35 the prison service. I've been there 25 years, I'm not going
36 to risk my career to support people that hasn't done the
37 right thing.

38

39 So by that comment you're - you're not referring to knowing
40 other prison officers who've used excessive force or colluded
41 on reports?---No, not at all.

42

43 Madam Associate, if I can have exhibit 0213-2^?

44

45 This is a later excerpt from the same call.

46

47 0213-2^

48

49 START TELEPHONE INTERCEPT

50

51 Part conversation from 16:35:44 to 16:36:05

1
2 SAID: It should be more, people should be more angry that
3 these, that they're bringing up stuff that happened two
4 fuckin' years ago because
5
6 [REDACTED]: Yeah.
7
8 SAID: But if, none of 'em can fuckin' throw stones because
9 we all live in glass houses, you know.
10
11 [REDACTED]: A hundred per cent.
12
13 SAID: And the same thing could happen to them.
14
15 [REDACTED]: A hundred per cent.
16
17 END TELEPHONE INTERCEPT
18
19 **TOWER, MS:** So, Mr Said, when you used the expression "None
20 of them can fucking throw stones because we all live in glass
21 houses, you know," are you not referring to other instances
22 of misconduct, of colluding, that you know
23 about?---No.
24
25 Madam Associate, if we can have exhibit 0213-3^, again a
26 later part of the same call?
27
28 0213-3^
29
30 START TELEPHONE INTERCEPT
31
32 Part conversation from 16:36:10 to 16:37:23
33
34 [REDACTED] [REDACTED]: I got another phone call from someone else
35 uhm, that works in HR
36
37 SAID: Yeah?
38
39 [REDACTED] [REDACTED]: uhm and she said that this is gonna be the
40 first of many. She said that
41
42 SAID: Is that right?
43
44 [REDACTED] [REDACTED]: She said that now that Gavin Kerr's doing
45 that, what he's doing is just referring as much as he can up
46 to head office. He, she said
47
48 SAID: Fucking bloke.
49

1 [REDACTED] [REDACTED]: She said that there's a big pile of fucking
2 PD5s on his desk and he's just fuckin' going through 'em
3 with, with Devereaux.
4
5 SAID: Well what you should do, you should, you should,
6 obviously you don't say the names of the people
7
8 [REDACTED]: Yeah.
9
10 SAID: of HR or anything like that.
11
12 [REDACTED]: Yeah.
13
14 SAID: But when you speak to the, Kenny Brown and the union
15 mate, you say this
16
17 [REDACTED]: Yeah.
18
19 SAID: because the union fuckin' love stuff like this.
20
21 [REDACTED]: Hundred per cent.
22
23 SAID: Yeah, make sure you let 'em all know. I can't believe
24 it.
25
26 [REDACTED]: Yeah.
27
28 SAID: I swear to God. I just thought everyone would be
29 fuckin' staunch and uh support each other instead of all
30 this fucking critical stuff.
31
32 END TELEPHONE INTERCEPT
33
34 **TOWER, MS:** Mr Said, my question is around your last
35 statement there, "I just thought everyone would be fucking
36 staunch and support each other instead of all this fucking
37 critical stuff". When you're saying you thought everyone
38 would be staunch, what did you mean by that?---Supportive.
39 Support each other. Be staunch. Be there for each other.
40
41 So are you saying that what you - you don't mean hold ranks,
42 no one tell investigations what's happening?---No.
43
44 So by this you're saying emotionally support each other?---
45 Yeah.
46
47 Madam Associate, could we play exhibit 0077-2^?
48
49 0077-2^
50
51 START TELEPHONE INTERCEPT

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Part conversation 11:37:27 to 11:37:50

SAID: Number two mate you just do what the fucken politicians which is genuine I cannot recall unless you let me have a look at the reports.

[REDACTED]: Yeah.

SAID: They've got to show you the re, whatever you do don't get anyone to go on the reports and have a look at it

[REDACTED]: Nah.

SAID: because that could backfire on that person. But don't you, don't how do you what the fuck I can't even remember the last time I went to the toilet, that's I would say things like that.

END TELEPHONE INTERCEPT

THE WITNESS: Not very nice - - -

TOWER, MS: Mr Said, that's your voice?---Yeah. Yeah, yeah.

And the other voice we're hearing is - - -?---Yes.

- - - another one of the officers who was stood down?---Yes.

My first question relates to line 2:

You just do what the fuckin' politicians - which is genuine, 'I cannot recall unless you let me have a look at the reports'.

So here you're referring to the incident description reports?---Yes.

Down at line 8 you say:

I can't even remember the last time I went to the toilet. That's what I would say, things like that.

So here your advice is to tell this officer under investigation to tell Professional Standards that she's got a bad memory?---No. That she hasn't - by - I can't even remember this actually. "I cannot recall unless you let me have a look at the reports." Well, if she - they haven't - if they haven't let her look at her reports how can she remember what's going on?

1
2 **THE ACTING COMMISSIONER:** She uses her memory?---I beg your
3 pardon?
4
5 She uses her memory?---What, for two years ago, sir? I'm
6 sorry, sir, we - - -
7
8 Are you saying it's impossible for somebody to remember
9 something that happened two years ago?---Yeah, but you - in
10 our environment, sir, this wasn't the only PD5s that we're
11 involved in. We're involved - there's quite regular PD5s.
12 I can't remember the PD5s I've been involved in. I can't
13 remember which officers was involved and who done what and
14 who said what. I can't - I'm sorry, I can't remember and -
15 and if you can't let her look at her reports to - so you can
16 refresh your memory, yeah, just tell them you can't recall.
17
18 **TOWER, MS:** Mr Said, did it occur to you that the reason
19 why the officers couldn't remember what was in the reports
20 is because what was in the reports wasn't what actually
21 happened?---No.
22
23 But you knew that's what they were being investigated
24 for?---When was this? When? What date was this?
25
26 This is on the day of the stand down?---I didn't know what
27 it was - I didn't know. They didn't even know at the time
28 what they was being investigated for.
29
30 Mr Said, is your honest evidence to the Commission that
31 no one had told you the reports were false?---Honestly, yes.
32
33 Coming back to that line at the bottom:
34
35 So I can't even remember the last time I went to the toilet
36
37 ?---Yep.
38
39 That's what I would say, things like that
40
41 ?---That's the - - -
42
43 Why are you suggesting examples that this officer can use to
44 try to prove to the investigators that she's got a bad
45 memory?---That's - that's - again that's my terminology. The
46 officer's a Scottish lady, she ain't going to say things
47 like that. You know? I'm just - I'm just giving her example,
48 the way this - I'm just trying to put humour into it, that
49 type of - I know it don't come across good and I apologise
50 about all the language that's being said but that's - that's

1 the way the - the world we live in now, the way we talk to
2 each other.
3
4 Because, Mr Said, another interpretation of that sentence is
5 you giving examples of how to not get caught
6 colluding?---Yeah, an officer's not going to say she can't
7 remember. I mean, I wouldn't even say it. I - I - I wouldn't
8 even have made that statement. I'm just saying it to her,
9 I'm giving her an example; that she can't remember unless
10 she has a look at the reports, then it might refresh her
11 memory.
12
13 Mr Said, can you appreciate that if there is a concern that
14 officers have colluded there might be an interest in the
15 investigation about getting them to share their clear
16 memories without all being able to go and look back at the
17 report they wrote? Can you see how that would be
18 advantageous, to get to the truth?---I - I don't know. I
19 wouldn't know.
20
21 Madam Associate, if I could have exhibit 0213-4^ and this is
22 a later portion of a call we've already heard.
23
24 0213-4^
25
26 **TOWER, MS:** Pardon me, Madam Associate. We seem to have
27 cut out.
28
29 START TELEPHONE INTERCEPT
30
31 Part conversation from 16:41:08 to 16:41:26
32
33 SAID: Even if people had fucking, even if it was a fucking
34 touch-up, who gives a shit?
35
36 [REDACTED]: Yeah.
37
38 SAID: That's what we're there for, you know? I mean we've
39 all done it including
40
41 [REDACTED]: Yeah.
42
43 SAID: myself numerous times. You don't uh, you don't fucking
44 put people on a desert island 'cos you don't want to get
45 involved.
46
47 [REDACTED]: Yeah.
48
49 END TELEPHONE INTERCEPT
50

1 **TOWER, MS:** Mr Said, I'm going to refer you first to line 2.
2 You say onwards:

3
4 Even if it was a fucking touch-up, who gives a shit? That's
5 what we're there for, you know. I mean we've all done it,
6 including myself, numerous times.

7
8 Can you explain that comment?---All - all this - I don't
9 know if you know I'm staff support, I've been in staff
10 support for 20 years. I phone up the officers. I don't
11 phone them up and tell them that they're life's ended;
12 they've lost their job, their marriage is broke up or
13 anything. I - whatever I say to them is in a supportive
14 way. I telling people what they want to hear, to try and
15 make them feel bad. These - these five people were going
16 through a traumatic time and I - I'm - I'm there to support
17 them. And I don't - maybe, okay, it's not the most cleverest
18 thing today but I was there for them; to support them,
19 nothing else. And now this is - for me to say - I mean I
20 say that but it's just I'm trying to make them feel
21 everything's going to be okay, it'll all be sorted out in
22 the end. Don't worry about it.

23
24 Mr Said, do you appreciate that there are other options for
25 giving someone support without saying, "Even if it was a
26 fucking touch-up, who gives a shit"?---These are the officers
27 that I personally worked with for the last X amount of years
28 and I know them and they know me. They know I don't get
29 involved in rubbish like that.

30
31 **THE ACTING COMMISSIONER:** Rubbish like what?---And they -
32 they know - sorry, sir?

33
34 Rubbish like what?---Like physically assaulting prisoners.
35 And they know that I don't stand for it.

36
37 **TOWER, MS:** That's what a touch-up means though, isn't it?--
38 --Yes.

39
40 So really what you're saying here is even if you assaulted
41 a prisoner, who gives a shit. As a senior officer, how is
42 that acceptable?---I'm talking - I talk to each person in -
43 on an individual basis. If I was speaking to another officer
44 I - I wouldn't say that, if it was from a different area.
45 But this person here, I've worked with this person for the
46 last 10 years, 12 years, and this - and I've socialised with
47 this person so he knows what I'm like. So it's just a - I'm
48 saying it in a supportive manner. You could go through the
49 whole five phone calls to all the people and you're probably
50 going to get similar things through the lot of them, and
51 even down to last week I was phoning them up. So you - you

1 can carry on as much as you want but it's - it's still going
2 to be the same. Everything was done in a supportive manner.

3

4 Mr Said, the Commission is unconcerned with you providing
5 support. In this instance the concern is what appears to be
6 you condoning prison officers assaulting prisoners?---No,
7 that's not true.

8

9 What are you saying by this sentence, Mr Said? Explain it?--
10 --I've just explained it. It's said that I - it was a - it
11 - I was doing it in a supportive manner to try and make the
12 person feel at ease, that it's all going to be okay.

13

14 Mr Said, you understood that this gentleman was facing an
15 investigation for assaulting a prison officer -
16 prisoner?---What date was this?

17

18 This is 15 August?---The day after. Yeah, the day after
19 they got suspended.

20

21 Yes?---I didn't know any of them knew that they was going to
22 be charged with assaulting a prisoner.

23

24 Mr Said, if that's the case then why are you saying
25 this?---Well, he must have said something to me then about
26 it. I don't know. But he didn't say - you - you said this
27 individual. Is that - is this the person that's you saying
28 that's going to be charged for assaulting a prisoner? I
29 don't understand, sorry.

30

31 Mr Said, I'm asking you what you understood. You said, that
32 first sentence:

33

34 Even if it was a fucking touch-up, who gives a shit -

35

36 - because you knew at the time of this conversation that
37 that was the allegation. That's correct, isn't it?---No,
38 the allegation - well, it was the day after. I don't think
39 they even knew themselves. They had just been walked out
40 on the day before, but they - I don't know if they'd - they
41 - when the officer spoke to me, this particular officer, in
42 the gym, 8 o'clock in the morning, and he said he's been
43 walked out and I said "What for?" he said, "I don't know".
44 He said I - I don't know what's - why. So I don't know
45 whether he was told or - I believe that when he was walked
46 out they never told him the reason he was walked out.

47

48 Mr Said, do you call all officers who are stood down and
49 say:

50

51 Even if it was a fucking touch-up, who gives a shit

1
2 ?---No, not at all.
3
4 Was there something about this officer that made you think
5 he had assaulted a prisoner?---No. He probably - if you
6 reading - do the other five phone calls I might have said
7 the similar thing to them lot as well, because these are the
8 people in my unit that I look after.
9
10 But, Mr Said, wouldn't this have been nonsensical advice if
11 they'd been stood down for falsifying their time sheet?---I
12 don't know. I don't know, miss. I - I don't know. I don't
13 know.
14
15 Mr Said, I suggest to you that you said this precisely
16 because you knew the allegation was that a prisoner had
17 received a touch-up. What do you say to that?---No.
18
19 I'll move on. Continuing on from that you say:
20
21 That's what we're there for, you know. I mean we've all
22 done it, including myself, numerous times.
23
24 You accepted that "touch-up" meant assaulting a
25 prisoner?---Yes.
26
27 So you've done it numerous times. Can you explain that to
28 the Commission?---As I said to you before I said that in a
29 supportive way to - to try and ease the person's feelings,
30 to try and say to him we've all done it, we've all been
31 there. We've all gone through red traffic lights, we've all
32 got drunk and driving and things like that. But that don't
33 necessarily mean to say that it has actually happened. I'm
34 doing it in a supportive manner. That's the - that's what
35 I do. Maybe I don't do it the correct way or the correct
36 terminology but that's what I do, and these people know me
37 like that as well.
38
39 Mr Said, in your decades of experience is it your
40 understanding that all prison officers assault
41 prisoners?---Not at all.
42
43 Then why are you saying it to this officer?---Well, because
44 I can't see any other reason that they was walked out. Unless
45 there's been an allegation against, something along that
46 line.
47
48 Here you say:
49
50 Even if it was a fucking touch-up, who gives a shit?
51

1 Is that your experience, that people within the prison system
2 don't care if prisoners have been assaulted?---Not at all.
3 Not at all.

4

5 **THE ACTING COMMISSIONER:** Is that just your attitude?---No,
6 it's not my attitude, sir. I'm - again I'm just saying
7 again, I'm going to have to keep repeating, it's all to do
8 with staff support, sir.

9

10 So when you're giving staff support you're entitled and it's
11 your practice to say things that you don't mean? Is that
12 what you're saying?---It's all depends who the individual
13 is. Yes, sir, you're - you're right, I do say things I don't
14 mean sometimes. If - if we go along further down the track
15 regarding when it came out that these guys are going to be
16 charged or whatever the case, if they have been done I don't
17 know, I would say - I would say the similar type of things
18 about them.

19

20 **TOWER, MS:** Mr - sorry.

21

22 Pardon me, Commissioner?

23

24 **THE ACTING COMMISSIONER:** No, no. Please go ahead.

25

26 **TOWER, MS:** You understood at the time of this conversation
27 that this officer was under investigation?---Of course,
28 yeah. The 15th, yeah.

29

30 What impact do you think these words would have had on his
31 attitude towards the investigation?---Well, I don't know.
32 But he knew that - he would have known that I would have
33 been very supportive of him.

34

35 Even if he had touched-up a prisoner?---No, because he knows
36 that I wouldn't stand for that.

37

38 Mr Said, that is in direct conflict from what you have told
39 this officer?---Yeah, I - I've said that again and I said
40 that, I agree.

41

42 You said - - -?---But he knows - he's - I've worked with
43 this officer long enough for him to know that I don't do
44 that. I'm just using general terminology.

45

46 Mr Said, I would suggest to you this is not general
47 terminology. It's quite confronting advice, that you don't
48 care if he's assaulted a prisoner. You are a senior officer.
49 Do you accept that saying this is entirely unacceptable?---
50 I would say - I was saying this to this person, which I

1 thought was private, between just the two of us, and I was
2 trying to make him feel better, no other reason.
3
4 Do you tell other prison officers in private that it's okay
5 if they assault prisoners?---No, only my friends. Other -
6 other officers, if they've been charged or anything like
7 that I might have used the same terminology. But once that
8 I know that they've been found guilty I - I - I disown them,
9 I don't have nothing to do with them anymore.
10
11 Even though you've told them it's fine by you if they assault
12 prisoners?---I'm doing it in a supportive manner. That's
13 what I do. If an officer from another unit who was - if it
14 was a different officer from another unit, I wouldn't have
15 used them words or anything like that with the person as
16 they were supporting that person. I take each individual
17 ones - it all depends who the person is.
18
19 Mr Said, you accepted earlier that one of the roles of a
20 senior officer was to demonstrate what behaviour is
21 acceptable or unacceptable. How does that ethical leadership
22 that you're meant to display fit with this?---Again, this is
23 going back to the person - I've known this person a long
24 time, I've socialised, I've got drunk with this person. He
25 knows me better than this. I take each individual person as
26 they are.
27
28 Mr Said, these are your words?---A hundred per cent.
29
30 And you're speaking to an officer here who was more junior
31 than you are? Can you understand that that he may have taken
32 from this conversation that you condone prison officers
33 assaulting prisoners?---No, he wouldn't have done that.
34
35 Can you not understand that from this conversation, that's
36 what he might have thought you really felt?---No, I don't
37 believe that, hundred per cent,
38
39 How was he meant to know that you meant the opposite of what
40 you said?---Because he knows me.
41
42 If we could scroll down - you said at line 7 here:
43
44 You don't - you don't fucking put people on desert island
45 because you don't want to get involved.
46
47 What do you mean by that?---I don't know. When I first saw
48 that, I don't know that, I can't recall what that means
49 actually.
50
51 Thank you, Madam Associate. I'm finished with that document.

1
2 Mr Said, is there a culture at Hakea of covering for your -
3 your mates, your friends, even if they've assaulted
4 prisoners?---No, hundred per cent, not at all.
5
6 In your experience, if a prison officer speaks out about
7 misconduct, would they be victimised or bullied?---I don't
8 know. It's never happened with me. I don't know.
9
10 **THE ACTING COMMISSIONER:** Would you use the ammunition that
11 you had on them?---What's - - -
12
13 Would you use the ammunition that you had on them if they
14 spoke out?---Well, I wouldn't use nothing, because I wouldn't
15 do it.
16
17 **TOWER, MS:** So if a prison officer spoke up that they had
18 seen another officer do something wrong, the prison
19 atmosphere would be supportive of that officer who stood
20 up?---I hope so.
21
22 Would you be supportive of an officer who stood up?---Yes,
23 if an officer unnecessarily assaulted a prisoner, I would be
24 supportive of the person that put him there.
25
26 Madam Associate, if we can play exhibit 0070-2^
27
28 0070-2^
29
30 This is a phone call on 20 August 2020.
31
32 START TELEPHONE INTERCEPT
33
34 Part conversation 14:27:26 to 14:27:39
35
36 SAID: Mate we're all here together okay, for sure.
37
38 [REDACTED]: Yeah.
39
40 SAID: And no one's gonna turn
41
42 [REDACTED]: Yeah if
43
44 SAID: mate because if anyone turned they'd may as well give
45 the job away because their life will be fucked after that.
46
47 END TELEPHONE INTERCEPT
48
49 **TOWER, MS:** And again, here you're speaking to a
50 prison officer who has been stood down?---Same person.
51

1 First, Mr Said, when we see you say, "No one's going to
2 turn," what you're referring to is no-one is going to turn
3 around and tell the truth to the investigation. Isn't that
4 right?---I don't know what I was saying when I said that.
5 All that I know, the first line, "We're all there together
6 for sure, and no one's going to turn, so no one's going" -
7 maybe no one is going to turn against them, I don't know. I
8 don't know - or I remember saying that.
9
10 Is the reason why you said that, you were worried that
11 someone would speak up and say what actually happened?---Why
12 would I be worried?
13
14 For this person you're talking to and supporting?---Oh. No,
15 no. I didn't even think about it, no.
16
17 That isn't what you mean?---Say that again.
18
19 The phrase, "They're going to turn, turn against us" is?---
20 Yes. Us" Who's use? The five of them?
21
22 Yes?---Them five?
23
24 Yes?---Yes.
25
26 That kind of a phrase is often used say, you know, to break
27 ranks - it has that kind of a connotation to it when some
28 people speak. Is that how you mean it here?---No.
29
30 So - - -?---No.
31
32 What could you mean then, by "They're going to turn"? What
33 would an officer do to turn?---No one would turn against
34 him. One of the other - any of the other staff that's -
35 well, I'm surmising now, but I would have said that the other
36 officers involved in the unit, they wouldn't have turned
37 against him.
38
39 And what would that have looked like?---To who?
40
41 What do you mean? What would they have done if they turned?--
42 --They would disown him, ignore him. They wouldn't socialise
43 with him, have nothing to do with him.
44
45 Mr Said, the way this reads - perhaps, Madam Associate, could
46 we play it one more time.
47
48 0070-2^
49
50 START TELEPHONE INTERCEPT
51

1 Part conversation 14:27:26 to 14:27:39
2
3 SAID: Mate we're all here together okay, for sure.
4
5 [REDACTED]: Yeah.
6
7 SAID: And no one's gonna turn
8
9 [REDACTED]: Yeah if
10
11 SAID: mate because if anyone turned they'd may as well give
12 the job away because their life will be fucked after that.
13
14 END TELEPHONE INTERCEPT
15
16 **TOWER, MS:** Mr Said, by that last phrase, are you saying
17 that if anyone tells the truth about what really happened
18 back in 2018, then everyone at the prison is going to make
19 their life very difficult?---No.
20
21 What do you mean?---They could even turn against this person
22 - again, I'm just saying that he's - the main thing, you
23 look at number 2, that's - that number 2, we're all here
24 together. That's what I'm doing all the time. I'm phoning
25 them up and I'm trying to build them up, boost their morale,
26 trying to make them feel - no one is going turn against them.
27 Everything is going to be okay, and if any - if people
28 disowned another officer before he's been found guilty, or
29 she's been found guilty, then they wouldn't be - they
30 wouldn't be what you classify as a friend, and that's what
31 I'm talking about.
32
33 I suggest to you, Mr Said, that you're talking about the
34 people stood down turning against this officer, and saying
35 that he had assaulted a prisoner? Is that the case?---No.
36
37 Thank you, Madam Associate. I'm finished with that document.
38
39 Mr Said, at what point in the process did you become aware
40 that the Commission was involved in this investigation?---
41 When they - when I phoned them up and they said, "We're not
42 allowed to talk to you about anything anymore".
43
44 After that point, which officers did you stay in touch with?--
45 --All of them.
46
47 Did you ask any of them about the details of their summons?--
48 --No.
49
50 Did you ask them when they were giving evidence?---No.
51

1 Did you try to talk to them about their summons in code?---
2 No.
3
4 Did you - again, I'm talking after they had received the
5 summons?---Yes.
6
7 Did you discuss the details of the incident back in 2018?--
8 -I don't recall. I can't recall that.
9
10 You understood, didn't you, that once they had received a
11 summons, there had been a direction from the Commission that
12 they weren't allowed to talk about it?---(Indistinct), yeah.
13
14 Madam Associate, may I have exhibit 0209-1^?
15
16 0209-1^
17
18 START TELEPHONE INTERCEPT
19
20 Part conversation 12:31:20 to 12:32:22
21
22 [REDACTED] [REDACTED]: We're not, we're no longer allowed to talk
23 about that thing that we were able to talk about yesterday.
24
25 SAID: Are you with Ronny?
26
27 [REDACTED]: Yeah, yeah.
28
29 SAID: (laughs) Whereabouts are ya?
30
31 [REDACTED] [REDACTED]: We're just down at the foreshore in, down
32 near my place.
33
34 SAID: Oh, gotcha yeah.
35
36 [REDACTED]: Mm.
37
38 SAID: Yeah, oh okay well we, what was I gonna say can't,
39 can't we talk about it in code? (laughs).
40
41 [REDACTED]: Ah no.
42
43 SAID: No, no, no anyway ah mate I phoned up ah [REDACTED] and
44 I phoned up ah [REDACTED]
45
46 [REDACTED]: Yep
47
48 SAID: and they're all in the same position, you know what I
49 mean?
50
51 [REDACTED]: Yeah.

1
2 SAID: For sure so ah everyone's got it, ah got it. Have you
3 received anything yet?
4
5 [REDACTED] [REDACTED]: Yeah, that's, that's why I'm not allowed to
6 talk about it.
7
8 SAID: Oh, when'd you get it this morning?
9
10 [REDACTED]: Ah if, if that happened, yes.
11
12 SAID: (laughs) I love it, I love it, it's like fucken James
13 Bond innit? Fucken
14
15 [REDACTED]: Yeah.
16
17 SAID: if you're listening me you fuckwits, get a real job,
18 piece of scum
19
20 [REDACTED]: (laughs)
21
22 SAID: just in case they were listenin' (laughs).
23
24 END TELEPHONE INTERCEPT
25
26 **THE WITNESS:** Apologies, apologies.
27
28 **TOWER, MS:** If we can scroll up please.
29
30 From this call, you understood that this officer had now
31 been served with his summons to attend the Commission?---
32 Well, once he - once he started telling me that, yeah.
33
34 And can we see - from your comments, from line 13, that you
35 already knew that some officers had received their
36 summonses?---Well, I would imagine, if one of them got it,
37 they would have all got it.
38
39 Well, if I can say, here at 13, you say:
40
41 Ah mate, I phoned up ah, [REDACTED], and I phoned up [REDACTED],
42 and they're all in the same position, you know what I mean?
43
44 And then you continue:
45
46 For sure, so everyone's got it - ah, got it
47
48 ?---Yeah, I must have been - yeah, I suppose. I don't know.
49 I must have said it that way.
50

1 Did you call up the two officers on the list?---I phoned
2 them up - I phoned them an average of three times a week,
3 the five of them.
4
5 Did you continue to phone them up that frequently after their
6 summonses?---Yep.
7
8 After they received their summonses, which of the stood-down
9 officers did you catch up with in person?---One - on a
10 regular basis, or just a one-off?
11
12 At all?---At all? One, two, three.
13
14 Can you name them?---You want me to name them?---Yes.
15
16 Officer [REDACTED], Senior Officer [REDACTED], and I saw once -
17 twice, Officer [REDACTED] - not [REDACTED], [REDACTED].
18
19 With any of them, when you met in person, did you discuss
20 the incident from 2018?---No.
21
22 With any - - -?---I can't recall. I can't recall ever
23 talking to them about it.
24
25 Do you recall actively trying to not talk about it because
26 they had a summons?---I can't recall. I can't recall that,
27 to be honest, it was like - - -
28
29 You've even mentioned the 99 by name, which is the
30 section - - -?---Yes, because I got it, yeah.
31
32 - - - within our Act that directs people to not discuss it,
33 so you were quite aware of that requirement?---Yes. Yes, I
34 was.
35
36 And so when you met with these officers, is that something
37 you kept at the front of your mind, that you had been stood
38 down, and we're not allowed to talk about it because - - -?
39 --Well, I don't know - I don't know when I met them, and
40 then I got my summons. I got my summons in September, and
41 I don't know the dates I met them, because this happened in
42 August, I might have met then prior to me getting my summons,
43 so - and I don't know.
44
45 Right now though, Mr Said, I'm concerned about their
46 summonses?---Yeah.
47
48 After they were summonsed, did you discuss it with them?---
49 No. No, I can't recall.
50
51 If we look at line 10 in this conversation, you say:

1
2 Yeah, oh, okay, well we - what I was going to say, can't we
3 talk about it in code?
4
5 Why are you suggesting this to a junior officer?---If you
6 have a look afterwards, it's - I'm laughing as well, because
7 it's a - it's humour, it's black humour. I'm just saying it
8 for joke. It's like a James Bond thing, leaving secret
9 messages everywhere, and things like that. That's the way
10 I was saying it. I was just trying - again, I'm just trying
11 to put the officers at ease and talking on my mates, you
12 know.
13
14 Mr Said, after this conversation, you do actually start
15 talking to the other officers in code about their summonses,
16 don't you?---Do I? I don't know. Not that I can recall
17 talking to anyone in code. What code?
18
19 That you didn't try talking about attendance at the
20 Commission without mentioning attendance at the Commission?--
21 --I don't know what you're talking about.
22
23 If we could go down to line 24 on the next page.
24
25 So this is the line, Mr Said where you say - - -?---I know,
26 yeah.
27
28 If you let me finish please?---Sorry.
29
30 If you're listening, you fuckwits, get a real job, piece of
31 scum.
32
33 Mr Said, you're speaking to a junior officer here?---Yeah.
34
35 And you accept that officers complying fully with misconduct
36 investigations is important?---Yes.
37
38 Do you accept that, by saying things like this, you're
39 undermining those processes to junior staff?---If I were to
40 - yeah, it's not - first of all, it's not the right thing to
41 say.
42
43 Why is that Mr Said?---Because it's just not the right thing
44 to say - this organisation is a necessity. But anyway - but
45 if I was saying to another officer, I probably wouldn't use
46 that terminology. Again, I'm going back to - this person is
47 a friend of mine, or I've worked with, socialised with for
48 many years.
49
50 And you - - -?---So he wouldn't be - sorry, go on.
51

1 Pardon, please finish?---He wouldn't be thinking that I'm -
2 what you - the way you've just come across like that I'm
3 undermining the Commission or anything like that, this is
4 me, this is - again, again you look underneath. It's laughs.
5 I'm just trying to - the guy was in a depressed state. I'm
6 just trying to boost their morale - his morale.
7
8 Isn't it also your role as a senior officer to encourage
9 those below you to comply fully with investigations, to take
10 them seriously?---Yes.
11
12 Can you not see that this officer might have got the message
13 that you didn't think the investigation was important?---No.
14 No, he wouldn't have thought that at all. He knows that if
15 youse guys are involved, then - even him being suspended, he
16 would have known that it's serious, a serious matter.
17
18 But Mr Said, you've said yourself, "Look at the tone. I was
19 just trying to make a joke"?---Yes.
20
21 How does that fit with your ethical leadership role as a
22 senior officer?---Well, again, I'm going back to the - it's
23 the individual. If I spoke to another individual, I wouldn't
24 be - I wouldn't be saying - going along them lines, yeah.
25 It's only because I was speaking that particular person.
26
27 Madam Associate, if we could please have exhibit 0217-1^?
28
29 0217-1^
30
31 START TELEPHONE INTERCEPT
32
33 Part conversation 15:24:09 to 15:24:45
34
35 SAID: Any news, anything happening?
36
37 [REDACTED]: Oh nah uhm someone's there now.
38
39 SAID: One of the five?
40
41 [REDACTED]: Yeah.
42
43 SAID: Okay.
44
45 [REDACTED]: Mm.
46
47 SAID: Has anyone else been up? Is that the first one?
48
49 [REDACTED]: Oh I've no clue.
50
51 SAID: Oh.

1
2 [REDACTED]: Yeah.
3
4 SAID: Yeah I know ah, I know they're not allowed to speak
5 about it.
6
7 [REDACTED]: Yeah.
8
9 SAID: The M and M's, you know?
10
11 [REDACTED]: Yeah.
12
13 SAID: But uhm, you're next Thursday isn't ya?
14
15 [REDACTED]: Yeah.
16
17 SAID: What time?
18
19 [REDACTED]: Uhm nine.
20
21 SAID: Nine o'clock, yeah.
22
23 [REDACTED]: Yeah.
24
25 END TELEPHONE INTERCEPT
26
27 Mr Said, that's your voice?---Yes.
28
29 And that's the same other prison officer whose voice we've
30 been hearing?---Yes.
31
32 Before when you said you weren't discussing the details of
33 people's summonses before the Commission, that was a lie,
34 wasn't it?---Well, it wasn't a lie, I - I probably can't
35 recall. I'm not here to lie to youse guys. There's too
36 much at stake.
37
38 You probably couldn't recall, or you couldn't recall or
39 couldn't recall?---I couldn't recall.
40
41 Do you accept though that here you've clearly talked to this
42 officer about when he's coming in?---Obviously, yeah.
43 As far as I know. What date is this again, sorry.
44
45 I we could scroll up please.
46
47 It's 11 September 2020?---11 September?
48
49 At line 2, you also ask:
50
51 Any news, anything happening?

1
2 And you continue:
3
4 One of the five?
5
6 And then you ask, further down:
7
8 Has anyone else been on? Is that the first one?
9
10 Mr Said, you understood that this officer wasn't allowed to
11 talk about it? Right?---Yes, I was.
12
13 As a senior officer, what are you doing asking him about
14 it?---I'm concerned about his welfare.
15
16 And in your mind does that override the direction from the
17 Commission to not speak about these matters?---Obviously it
18 doesn't. But that person was in a depressed state and I -I
19 wasn't prepared - I was prepared to do anything to make sure
20 that he was okay. I - I've seen that guy and he was in a -
21 a really bad way and I was trying to be supportive of him
22 and I'd be - I was preparing to say anything to try and keep
23 his morale up.
24
25 But, Mr Said, you're not saying here I hope you're doing
26 okay you know, "You're going through a really rough time,
27 I'm there for you." You're asking him about details of the
28 Commission investigation. Can you see that they're two
29 different things?---Yes. I can see that, yeah. But you're
30 - you're only playing one section of this, you - you're not
31 playing the whole recording, the whole - at the beginning I
32 - I was probably inquiring after his welfare and everything
33 like that and whether we was talking about the Rugby or
34 anything like that and then we get on to this and this is
35 the section you're playing.
36
37 Yes, Mr Said, and can you appreciate that's because this is
38 the section the Commission has an issue with?---Concerns,
39 yeah. But I'm saying I'm also inquiring about their welfare
40 as well, I'm not just phoning up - or I don't know who phoned
41 who but I'm not speaking to this person just to find out
42 what's going on with this lot.
43
44 But, Mr Said, why are you asking him what's going on?---To
45 find out how they are. To see how they're going.
46
47 And for that reason you think it's okay to ignore the
48 direction from the Commission to not talk about it?---No, I
49 don't. Not at all. Not at all.
50

1 So why have you done it?---I didn't know if I'd - well, I -
2 I - I don't know when I got my - my summons so I don't know
3 about this section 99, whatever it was called, then.

4
5 Mr Said, putting your summons aside, you'd been told by these
6 officers we can't discuss the 2018 incident, we can't discuss
7 attendance before the Commission. That's correct, isn't
8 it?---Yeah, I think so. Yeah.

9
10 You said you'd been calling them up multiple times a
11 week?---Yes. Yes.

12
13 They - they weren't telling you - - -?---Just concerned
14 about their welfare, that's all.

15
16 Yes, Mr Said, and if you'd let me finish?---Sorry.

17
18 And when you called them did they not make it clear I cannot
19 discuss the details, Commission says I can't talk about it?--
20 --Yes, they would have done.

21
22 They would have done or they did do that?---They did do - or
23 I don't know. I suppose they did do, yeah.

24
25 Mr Said, you said that you've been calling them multiple
26 times a week?---Yeah.

27
28 For a period of time?---Yes.

29
30 Are you saying they didn't make it clear to you that they
31 couldn't talk about it?---They must have done. They must
32 have done, yeah. I can't - I just can't recall. You -
33 you're asking me do I recall them saying to me a particular
34 statement and I can't recall that but obviously they would
35 have told me that.

36
37 The reason I ask, Mr Said, is it's not just a particular
38 statement. You know, if someone's been stood down that's
39 often a very significant event in their life and to be told
40 you can't ask the stood-down officer anything about it one
41 would think was a memorable thing, that when you meet up
42 with them we can't discuss it and your lack of memory on
43 that is - appears quite odd. Do you recall a clear rule
44 from the stood-down officers, "Commission is involved, we
45 can't talk about it"?---No.

46
47 Madam Associate, if we could please have exhibit 0215-1^?

48
49 0215-1^

50
51 START TELEPHONE INTERCEPT

1 Part conversation from 08:40:59 to 08:41:10
2
3 SAID: I've sent an e, a message 'cos we've got a unit seven
4 site.
5
6 [REDACTED]: Mm hm?
7
8 SAID: And I 've sent a message to the unit seven mainly 'cos
9 I, you've gotta be careful what you say on the phone and all
10 that type of thing.
11
12 [REDACTED]: Yeah.
13
14 END TELEPHONE INTERCEPT
15
16 **TOWER, MS:** So, Mr Said, that's your voice?---It is.
17
18 And we didn't hear much of the other person talking but the
19 information the Commission has is that's a female who you
20 were speaking to in other calls?---Yes. Yes.
21
22 And this is from 24 August 2020?---Yes.
23
24 You say here:
25
26 I've sent an e - a message cos we've got a Unit 7 site and
27 I've sent a message to the Unit 7, mainly cos I - you've got
28 to be careful what you say on the phone and all that type of
29 thing
30
31 ?---Yeah.
32
33 Mr Said, why are you giving advice about how to avoid
34 surveillance to someone under investigation?---Is that the
35 person that was under investigation?
36
37 I can tell you this is one of the people who is - was under
38 investigation. You were speaking with them earlier. I can
39 show you a call where you discuss it?---No. No, because of
40 the name. That was all. I just - because she changed her
41 name. But I know the lady.
42
43 One second, please. If I can assist, this is the same person
44 whose calls we listened to earlier where you tell her:
45
46 You just do what the politicians tell you, say you don't
47 recall. I can't even remember the last time I went to the
48 toilet
49
50 ?--[REDACTED], yeah.
51

1 I'd say things like that
2
3 ?---[REDACTED].
4
5 So you understand that this is one of the ladies who had
6 been stood down?---Yeah. Yeah, yeah. I didn't know - can
7 I just explain? [REDACTED]
8 [REDACTED] and I didn't know if I was talking to - which
9 one I was talking to.
10
11 So coming back to my question?---Yeah.
12
13 You understood she was being investigated?---I must have
14 done, but I - yeah, 24 August I probably did. Yeah.
15
16 So as a senior officer, what are you doing advising her about
17 how to avoid surveillance in the investigation?---Where -
18 where am I said - where am I telling her to avoid?
19
20 I sent a message on the - on the site.
21
22 You mean on an online site?---Yeah, Unit 7 site.
23
24 Because you've got to be careful what you say on the phone
25 and all that type of thing.
26
27 What you're referring to is the potential for telephone
28 intercepts. That's correct, isn't it?---Well, if I - if I
29 thought along that line I wouldn't be saying half the things
30 that youse - youse guys are bringing up if I - I believed
31 that the phone calls - I just - I don't know what was going
32 on. Forget that, sorry.
33
34 Mr Said, please explain that sentence. If that isn't what
35 you mean, what did you mean by that?---Sent a message to
36 Unit 7 cos I've got to be? Just be careful what you say on
37 the phone. Don't incriminate yourself, say anything worse.
38
39 And, Mr Said, that's because you understood there was a
40 possibility her phone might be being tapped or - - ?---
41 Obviously.
42
43 - - - lawfully intercepted?---Obviously.
44
45 So if that's why you're saying it, how does that fit with
46 your role as a senior officer giving out advice about how to
47 avoid the investigation getting more evidence?---I'm
48 speaking to another senior officer.
49
50 To a fellow officer? How was that your advice?---Concerned
51 about the person, that was basically all. Just don't get

1 herself into more trouble than now, don't talk about the -
2 what you're not supposed to talk about.

3
4 How does that fit with your ethical responsibilities?
5 Because here it isn't I'm not going to talk about it. It's
6 let's talk using a different forum, let's use the
7 7 site?---This person's not even on the Unit 7 site.

8
9 Mr Said, that wasn't the point of my question?---Yeah.

10
11 You're not saying here just don't talk about it, you've said
12 talk about it on the Unit 7 site because you've got to be
13 careful what you say on the phone. That's what you say on
14 the phone. That's what you're saying here, right?---No, I
15 ain't saying talk about it on the Unit 7 site. I'm just
16 saying don't talk about it. Cos on the Unit 7 site I don't
17 think we would - there was no conversation about it, just
18 more supportive of the officers involved.

19
20 Mr Said, this portion of the conversation starts I've sent
21 a message cos we've got a Unit 7 site, and I sent it there
22 - I'm paraphrasing - cos you've to be careful what you say
23 on the phone?---Yeah, but sent what message? I don't know
24 what message I've sent. I've sent a message because we've
25 got a Unit 7 site. Well, what was the context of the - the
26 call prior to, before we got to this part? I don't know
27 what was said beforehand. Are we going out for dinner one
28 day? Oh, I've sent a message to the Unit 7 site. You know,
29 I don't know.

30
31 If that was the case, Mr Said, why would you need to be
32 careful what you say on the phone?---No, I - cos I don't
33 know. I don't want her to say anything that she might regret
34 afterwards.

35
36 I suggest to you, Mr Said, that what you're doing is advising
37 her to make sure she doesn't talk on the phone about the
38 2018 incident because it might be lawfully intercepted. Is
39 that what you're doing?---No. I don't - - -

40
41 Do you expect the Commission to believe that?---Well, I don't
42 know. I - I - I honestly - I can't recall this anyway but
43 I don't believe I said it for that reason.

44
45 Mr Said, do you accept from the calls that we've seen that
46 your words might have made it less likely that the other
47 officers fully and actively participated in the
48 investigation?---Less likely?

49
50 Yes?---No. No. I - I was - I think I was one of the only
51 people that was phoning them up and I - I don't - I can't -

1 I don't know. I don't know. It might have been. I - I
2 know it wasn't the most cleverest thing to do but all I was
3 doing it was for their welfare and no other reason, nothing
4 else.

5
6 Looking back now, can you see that these other officers might
7 have interpreted your words as saying that you condone the
8 alleged behaviour?---The officers I spoke to, the - the
9 officers that were - the names that have come up here they
10 won't have interpreted that.

11
12 Pardon?

13
14 **THE ACTING COMMISSIONER:** I'm sorry, I didn't hear
15 that?---They - they won't have done that. Because they know
16 me. They know myself.

17
18 **TOWER, MS:** And they would - - -?---But may I say - sorry.
19 If it would have been another officer who I'm not too
20 familiar with, male or female, they would have - they would
21 have thought that I was going along the lines you're
22 suggesting.

23
24 But do you accept, Mr Said, that in a lot of these calls
25 we're hearing you dismissing or minimising or undermining
26 the investigation?---Yeah. It does seem like that, yeah.
27 But it - it wasn't along that lines as well. All I'm trying
28 to do is again, and I keep repeating myself, is just trying
29 to say to them it's all going to be all right, don't worry
30 about it. It's all bull. It's all rubbish. It'll all come
31 out good in the end and when you come back we'll do this and
32 do that and things along that line. That's all I was doing,
33 nothing else.

34
35 So, Mr Said, if next week there's another allegation that a
36 prison officer has assaulted a prisoner are you going to
37 give advice like we've heard today again?---I definitely
38 won't be phoning them up again, that's for sure. And along
39 this line, for sure.

40
41 Mr Said, my concern was for the content of your advice?---
42 Yes, that's right.

43
44 Not whether or not you'll be caught?---Yes.

45
46 Are you going to be telling other prison officers the kinds
47 of messages we've been hearing this afternoon?---No, it'd be
48 - no. I - they - well, there'd be - it'd be a supportive
49 conversation but obviously I won't be saying it the way I'm
50 coming across here.

51

1 And can you explain why? Do you understand what was wrong
2 with some of the things that we've been hearing today?---
3 Yeah, you've pointed it out enough times. Yeah.
4
5 **THE ACTING COMMISSIONER:** So can you articulate it?---I beg
6 your pardon, sir?
7
8 Can you articulate that for us?---Yeah, the way I'm talking
9 about code and laughing and saying things along this line,
10 yeah, it does - it don't look good for me I agree. For sure,
11 sir.
12
13 So it's just a question of it not looking good for you?---
14 Well, it's not - it's just that I - I should - I'm - it's
15 coming across like I'm giving them advice not to be - do the
16 right thing with youse people.
17
18 And doesn't it also come across as giving the impression
19 that it's okay to touch-up prisoners?---Not at all. Well,
20 not - not in my eyes it doesn't, sir. Not in my eyes.
21
22 Okay.
23
24 **TOWER, MS:** Thank you. I'm done with that exhibit.
25
26 Mr Said, at Hakea is there a culture where prison officers
27 use more force than would be evident from their use of force
28 reports?---Not that I can recall.
29
30 Is there a culture of prison officers covering for each other
31 by either not writing reports at all or by submitting false
32 reports?---No, not that I know of.
33
34 Putting use of force aside, what is your understanding of
35 the culture around reporting other kinds of misconduct?---
36 As in what type?
37
38 For example, bullying. Bringing in contraband, other things
39 that - - -?---Well, contraband - - -
40
41 - - - may come up?--- - - - obviously is a - is a no-no and
42 you go straight there. But bullying you advise the people
43 to speak to grievance officers, to - we've got a policy
44 regarding bullying and they're very strict with it within
45 the Department.
46
47 Do you think it's handled well?---Yes.
48
49 What's your overall view, are the systems in place in Hakea
50 to report misconduct adequate?---Well, it - it seems to be.
51 I've - it's - it's never affected me because I've never had

1 to report a misconduct to anyone. There's - there's
2 different levels. If a person does a misconduct we've got
3 what we call an RMF, which is a monitoring form and we - we
4 give them a negative RMF. There's negative and positive.
5 So as a senior officer I could give an officer a negative
6 whether he's coming in late, if he's - if I got - if I had
7 an officer that was speaking aggressive to a prisoner I would
8 take him in the office and I would counsel that officer
9 regarding that and I might even put an RMF on him or something
10 along - him or her along that line. But as it goes up the
11 next stage, then it goes up to the principal officers and
12 the admin and people like that.

13
14 What about change over time, Mr Said? You've been a prison
15 officer for what, was it 30 years?---Twenty-five.

16
17 Twenty-five? Over that period of time has the reporting
18 culture or reporting misconduct gotten better or worse?---
19 You're more - you're more accountable nowadays than you was
20 when I first started on the jobs, you know, with the
21 computer. In them days the reports are wrote, it was written
22 reports. And it's more - and there's more CCTV about and
23 things like there's more organisations that - i.e., the
24 Ombudsman and people like that that they're - yeah, but it's
25 a lot better nowadays for sure. And so it should be.

26
27 Can you comment on any difference in the reporting culture
28 between Hakea and other places you've worked at?---Well,
29 I've only worked as I said at Roebourne and Roebourne's a -
30 it's a different type of a prison. Hakea's a maximum
31 security prison and the other one was a medium, yeah. Just,
32 yeah, there is a - a - an order that anyone involved in an
33 incident must put a report in.

34
35 Yes, but my question though, Mr Said, are officers more
36 likely to report misconduct at Roebourne or at Hakea? Can
37 you comment on that?---I can't comment at it because it's
38 never - I've never seen anyone report an incident at
39 Roebourne and I can't recall anyone doing it at Hakea.

40
41 From speaking with prison officers and being part of that
42 environment are there any barriers to reporting that you're
43 aware of, any reasons why someone might not come
44 forward?---What, to report another officer?

45
46 Yes?---Maybe the - the Australian way, they don't want to
47 dob a mate in or something like that. I don't know, miss.
48 It's never - it's never come to me.

49

1 Mr Said, are you familiar with any of the previous inquiries
2 that have happened into use of force incidents in WA
3 prisons?---No.

4
5 Are you aware of any previous attempts by the Department or
6 Corrective Services to try to improve a culture of
7 integrity?---No. Just more training, more local orders and
8 different things along that line. Yeah.

9
10 But you haven't - what kind of training are we talking
11 about?---We get one - on a Wednesday we have staff training
12 and each week it might be a different section. It might be
13 first aid, it might be TOMS writing - writing reports and
14 things along that line. It might be self-defence, everything
15 like that. So you have to qualify - there's a time frame
16 that everyone has to go through certain training sections.

17
18 And what kind of training do you get around reporting
19 misconduct or ethical behaviour?---Not much, not much. I
20 can't recall much.

21
22 Mr Said, I have some questions now about some of the key
23 players within the prisons?---Yes.

24
25 What's the general view at Hakea of the executive team? Are
26 they liked? Are they trusted?---You're talking about the
27 executive team at Hakea or at head office?

28
29 Head office?---Head office? Well, we don't really see them,
30 so we just get - occasionally, the Commissioner comes round,
31 and the Deputy Commissioner, and they come round the blocks
32 and see staff and everything. They're quite - yeah, they're
33 easy going guys, they're - the mix well with the staff,
34 introduce their self and things like that. They go - we
35 have, what you call - like we had a motorbike run, a load of
36 us for a fundraising, and the Commissioner turned up there
37 and a Deputy Commissioner, and the minister turned up and
38 wished everyone the best, and things along that line, yeah.

39
40 Do you observe any influence that they have upon the culture
41 of Hakea?---No.

42
43 What about the Professional Standards Division, Mr Said?
44 What's your view of them?---I've never had any dealings with
45 them, so I can't - they're a necessity, I would imagine.
46 I've never had any dealings with them.

47
48 From your experience, being a prison officer, is your
49 understanding that they're effective?---Well, they have -
50 yeah, I think they are. They've - there has been some bad
51 apples over the years, and they've managed to weed them out.

1
2 Do you have any insights on how they could be improved?---I
3 believe they've just got an increase in staff. I don't know,
4 maybe staff couldn't make anonymous calls to them and say
5 different things about different people, I don't know, along
6 maybe along that lines. I don't know, I never get into that
7 type of thing, unless it affects me.
8
9 What about the WA Prison Officers' Union? Are you a union
10 member yourself?---Of course, yes.
11
12 And other than being a member, do you have any other
13 affiliation with the union?---No, miss.
14
15 For example, a union rep or something?---No. No, miss.
16
17 And what is your view of the union?---I think they do a great
18 job. They've looked after us, they've got us pay rises.
19 They've sorted out our conditions. I think they're doing a
20 great job.
21
22 And how do you see them having an impact on the culture of
23 prison officers at Hakea?---Well, they - you'll have to
24 explain what you're actually asking me.
25
26 Fair enough. Do you see the union as having an impact on
27 how you interact with each other, what the workplace is like.
28 In your view, do they have an impact on culture?---They -
29 well, I don't think so, no. They - they come round different
30 areas. They speak to staff, find out if there's any issues,
31 along that line. They've got some reps, which are very good
32 at Hakea, and we've got them to go to, and they'll be as
33 supportive as anything. Yeah, if we've got any issues or
34 everything, they're quite - the union in Railway Parade is
35 quite approachable.
36
37 Commissioner, if now is suitable, it may be a good time for
38 a 10-minute break.
39
40 **THE ACTING COMMISSIONER:** We'll adjourn for 10 minutes.
41
42 (THE WITNESS WITHDREW)
43
44 (Short adjournment)

1 SAID, KEVIN JOSEPH RECALLED ON FORMER AFFIRMATION AT
2 04.02 PM:

3
4 **THE ACTING COMMISSIONER:** Please be seated.

5
6 **TOWER, MS:** Mr Said, at Hakea, how long have you worked in
7 unit 7?---Probably about 12 years.

8
9 And do clarify, when you're on shift in unit 7, you're the
10 one in charge of that unit?---Yes.

11
12 Commissioner, I have no further questions for this witness.

13
14 **THE ACTING COMMISSIONER:** Ms Chong, do you have any
15 questions?

16
17 **CHONG, MS:** Commissioner, I seek leave to ask a few
18 questions, please?

19
20 **THE ACTING COMMISSIONER:** Certainly.

21
22 **CHONG, MS:** Thank you.

23
24 **THE ACTING COMMISSIONER:** If you'd like to stand up when
25 you ask the questions, please?

26
27 **THE WITNESS:** Sorry.

28
29 **CHONG, MS:** No, me.

30
31 **THE ACTING COMMISSIONER:** No, not you, Mr Said?---Sorry,
32 sorry, sorry.

33
34 **CHONG, MS:** There's no lectern is there? If it's too
35 difficult it should be all right. Thank you.

36
37 Mr Said, as a senior officer, can you please tell the
38 Commissioner what role you play in terms of management,
39 policies and protocols that are observed at Hakea?---In my
40 - in the unit I work in?

41
42 Well, overall in the prison?---Well - - -

43
44 You have been asked about the prison culture?---Well, I just
45 - I just enforce the - the rules and regulations.

46
47 Right?---That's basic role.

48
49 Do you have any role to play in terms - are you part of the
50 executive?---Not at all.

1 Do you set policies and standards within the prison system?--
2 --Not at all.

3

4 And the professional standards that are adopted at Hakea
5 Prison, do you have any part to play or any contribution
6 that you made towards setting those professional standards?--
7 --None whatsoever.

8

9 What about with respect to the union, apart from being a
10 member of the Prisons Union, do you have any role to play
11 within the way that the union manages its members?---No.

12

13 Or advises its members?---Not at all.

14

15 You talked very much about the - the role you play as a peer
16 support officer?---Staff support.

17

18 Staff support?---Yeah.

19

20 Can you please explain to the Commission what is involved in
21 that role as a staff support officer?---What happens is the
22 staff support started after the Fremantle riot in 1988 -
23 1988. And it was realised that staff, when they've been
24 involved in an incident or they've got major issues, they
25 need support. So an organisation was started called the
26 staff support. I'm the 2IC of it. I've been doing it for
27 approximately 20 years. And what we do, we get in touch
28 with staff members, whether they've got personal problems or
29 if there's - they've been involved in an incident in work,
30 they can talk - we can give them advice to the best of our
31 ability. We can refer them onto People Sense, which is an
32 organisation that the Department arranges for them to have.
33 And yeah, we just - we've had officers suicide over the
34 years. And basically, we just - yeah, we just keep in touch
35 with them and let them know. Many years ago, an officer was
36 injured on a motorcycle and he lived on an acreage or a
37 couple of acres up in Roleystone way. And he was off work
38 for a long time. And a crowd of us went up there and we
39 done all his - all the maintenance and everything that was
40 required round the house. And we're just concerned about
41 their - their welfare basically, more than anything else.

42

43 **THE ACTING COMMISSIONER:** Sorry, Ms Chong, you referred -
44 you said that if an officer's involved in an incident at
45 work?---Yes, sir.

46

47 Does that include the commencement of disciplinary
48 proceedings against that individual?---No, sir, an incident
49 is a - if a - an incident is everything with to with on the
50 TOMS system where we do reports, it's classified as an
51 incident.

1
2 Okay?---Basically, it's mainly if an officer is - is - he's
3 had a whack, he's been assaulted or he's been spat at and we
4 give them advice if they want to go an outside agency, i.e.
5 the police and things like - we have what we call a - we
6 give them staff assault kits, that gives them the advice of
7 what to do and where to go.
8
9 Thank you.
10
11 Sorry, Ms Chong.
12
13 **CHONG, MS:** Thank you. And as a staff support officer, are
14 you renumerated over and above your pay as a senior officer?--
15 --It's just all voluntary.
16
17 It's all voluntary?---Yes.
18
19 And do you offer your support outside working hours?---Yes.
20
21 On weekends?---Anytime yeah. I could get a phone call
22 10 o'clock at night saying that there's issues with a staff
23 member. I've been called into the prison at 2 o'clock in
24 the morning when there was a DIC, death in custody.
25
26 Right?---And I've gone there to support who was in - who
27 found the deceased.
28
29 Right?---And spoke to them and calmed them down and things
30 like that.
31
32 So you do it out of the goodness of your heart?---Support
33 for my colleagues, yes.
34
35 Yes. Can you explain to us or tell us, shed some light on
36 the environment within Hakea Prison? What do officers have
37 to deal with in terms of prisoners' behaviour and conduct.
38 What have you witnessed?---What I've witnessed over the
39 years?
40
41 Yes?---Well, prisoners, they're unpredictable. We've had
42 prisoners obviously, as I've just explain, commit suicide,
43 we've had prisoners slash up, we've had prisoners stab each
44 other. We've had prisoners cover their self in faeces and
45 put it all over their selves so staff can't get hold of them
46 basically at that time. We've had prisoners urinate on
47 staff, throw food at them, along - all things along that
48 lines. Everything that's misconduct.
49
50 And how has that kind of conduct by prisoners affected the
51 mental health of prison officers to you knowledge?---Well,

1 if someone is - had the faeces or urine or been a -
2 threatened. Another thing I forgot to mention, they don't
3 only threaten you, some prisoners. Obviously I'm talking
4 the minority. They threaten your family. They're going to
5 come round your house. They're going to rape your wife.
6 They're going to kill your children. They're going to set
7 fire to your house. "We know where you live" and things
8 like that. So yeah, of course, it can - so staff need to be
9 aware it's only talk. But it - obviously it does affect
10 some people.

11
12 And when staff is - when the prison officers are threatened
13 in that manner, do they come to you for support?---Well,
14 once we hear about it, yeah, we - we go to them. Yeah.

15
16 Right?---For sure. They need support, some officers, for
17 sure.

18
19 And how many staff support officers are there per unit?---
20 They're - they're not in a unit. They're actually all over
21 the gaol.

22
23 Right?---We've got a medical staff support. We've got one
24 that works in administration.

25
26 Yes?---One of our staff supporters is a principal officer
27 and there's no rank in staff support. There's no, like,
28 senior officer or just a - a normal officer. We just - it's
29 - they're all over the gaol. Sometimes there might be eight
30 on duty, another day there might be two on duty.

31
32 Right?---It all depends. Because we're shift workers.

33
34 Right. And have you personally witnessed any incidents with
35 respect to prisoner conduct such as suicide?---Yeah, I've
36 been involved in five death in custody's.

37
38 Death in custody's?---Yes, and I - the last one was a
39 hanging, which - - -

40
41 Hanging?---Person hanged himself in front of me.

42
43 And were other officers there to support you?---Yeah. We
44 have a - a - up in head office, there is a department that
45 looks after staff in that way. And they came along for sure.

46
47 All right. In relation to the five officers who are under
48 investigation by this Commission, how did you become aware
49 that they were the subject of the investigation or the
50 subject of prison discipline?---Well, as I - I explained to

1 the lady before, I was in the gymnasium at 8 o'clock in the
2 morning when the - one of the officers came out.
3
4 Right?---And he explained to me that he's been walked out.
5 Then someone else said "Someone else has been walked out".
6 And then I started phoning around and trying to find out,
7 because the officers all involved all work within my unit,
8 except for the - the female officer. She now works at
9 another institution.
10
11 And which unit was it, unit 7?---Unit 7.
12
13 Right. And did you witness the officers being walked out?--
14 --No, no, I didn't. I was in the gym. And they get walked
15 to the front gate.
16
17 Right?---And then one of the officers, he - they got in touch
18 with me so many weeks later and his ID was in his locker.
19
20 Yes?---And they asked - cos he's not allowed to go back in,
21 so they asked - they had to give their IDs back in.
22
23 So you became aware that five officers in your unit had been
24 suspended and walked out and prohibited from entering the
25 prison grounds?---Yes. Yeah.
26
27 Once you became aware of the five officers within in your
28 unit being suspended, did you reach out to them or did they
29 reach out to you for support?---I - I got in touch with them.
30
31 You got in touch with them?---Yeah.
32
33 As your - in your role as staff support officer?---First of
34 all, because - as - as a staff supporter, because what
35 happens is, the - the person that runs the staff support, he
36 - he tends to, like, allocate you a - if an officer's involved
37 in an incident, and he'll phone you up and say "Would you be
38 able to keep in touch with Officer Smith, Officer Jones,
39 Officer Fred", whatever his name is. And - but because they
40 were all my officers, the five officers, I - I asked if I
41 could look after them. And I did.
42
43 Right?---So I was basically the only staff support that was
44 thrown in the muck.
45
46 All right. You have been questioned a number of times about
47 your conduct and how it differed with your ethical
48 responsibilities as a senior officer. In the number of calls
49 that we've heard played to you, were you speaking to each of
50 the person on the other end in your role as a senior officer
51 or in your role as a staff support officer?---It was - it

1 was in my role - it definitely wasn't in my role as a senior
2 officer. It was in my role as a friend and a staff supporter.
3 Friend first, and then offering support, anything they - I
4 can do to assist them.
5
6 So those calls that we've heard played to you, were they
7 calls that were made either by - between you and the prison
8 officer on the other line in your own time or in - during
9 work time?---On my time. On my time.
10
11 So they were out of office calls?---Yes.
12
13 Unofficial calls?---Yeah.
14
15 There's one call we heard that 0215-1 on 24 August 2020,
16 where you said, and I paraphrase, "Be careful what you say
17 on the phone and all that type of thing". Remember that
18 call?---Yes, I do.
19
20 As a prison officer, you know that all calls emanating from
21 the prison are recorded?---Yes.
22
23 Don't you?---Yes.
24
25 Right. And - and also as a prison officer, you know that it
26 is not advisable to speak on the phone about anything?---
27 About anything whatsoever.
28
29 Yes. So in that context, you were examined by Ms Tower about
30 your role as a senior officer and how can you advise a junior
31 officer to avoid surveillance, and I'm paraphrasing?---Yeah.
32
33 I'm not quoting - - -?---Yeah.
34
35 - - - Ms Tower. Because she put it to you that there was a
36 possibility that that prison officer's phone might be tapped,
37 were you advising that particular prison officer to avoid
38 surveillance or is it just sensible advice not to speak on
39 the phone?---Well, I definitely (indistinct) him because I
40 - I wasn't that their phones would be tapped or asking them
41 to avoid surveillance. It was general basically.
42
43 In relation to call 0209-1, when there was the use of the
44 word "Code", speak in code?---Code, yeah, yes.
45
46 All right. Remember that call?---Yes, I remember, yeah.
47
48 And it was put to you that from what was said by the prison
49 officer, you became that he had received his summons?---Yes.
50

1 Correct. And it was put to you that you were trying to get
2 information from that prison officer, knowing that he was
3 prohibited from talking about the summons he had received
4 and discussing anything that relates to that summons. There
5 was some words that were used that you said you termed as
6 black humour, remember that line of questioning and your
7 answer?---(Indistinct) I think so, yeah.

8
9 And it was put to you (indistinct) appropriate for you as a
10 senior officer to be talking to a junior officer in your
11 unit in - in that manner, in what capacity were you speaking
12 to that particular officer in that particular call?---As a
13 friend.

14
15 Right. Was the call made during work hours between you and
16 that junior officer?---No, it would have been out of work
17 hours.

18
19 Right. You mentioned that you had worked with that
20 particular officer for at least a decade?---Yeah, I believe
21 so. Around about 10 years, yeah.

22
23 That you socialised with him - - -?---Yeah.

24
25 - - - for many years?---Yep.

26
27 Can you tell us about the mental health of that particular
28 person?---Well - - -

29
30 At the time when you were speaking with him, when you used
31 the black humour?---It was - he was in a - a bad - he was in
32 a dark hole. He was in a place of depression.

33
34 Yes?---This - yeah, it - I've never seen or spoke to him,
35 heard him speak like he was. He was as flat as anything.
36 He's a - - -

37
38 To your knowledge, had he made any attempts on his life?---
39 I - I - I hate to say it, I had to ask him if he had any
40 silly thoughts, like that.

41
42 And did he?---He said no.

43
44 And it was again asked of you whether that was ethical as a
45 senior officer for you to be speaking to a junior officer in
46 that manner. Do you always apply ethical standards to your
47 private conversation?---No, not at all.

48
49 Do you use black humour and - and speak to friends and
50 associates in a joking manner?---Many times, yes.

51

1 Again, in relation to call 0020-2(?) on 20 August 2020, when
2 you said in that call:
3
4 And no one's going to turn.
5
6 Remember that call?---Yes. I can't remember who I was
7 talking to, was - - -
8
9 Because if anyone turned, doesn't matter who you're talking
10 to?---Yeah, yeah, yeah.
11
12 But it just one of the officers?---Yeah. Okay. Sorry.
13
14 Because if anyone turned, "They may as well give the job
15 away because their life would be fucked after that". You
16 told Ms Tower that it was to boost that officer's morale?--
17 -Yep.
18
19 How were you trying to boost the morale?---You know, I mean,
20 they've got the support of all the staff that's in there,
21 which they have done as well. You know, no one's going to
22 turn against them, because - because they - they haven't
23 been - they've only been accused of something so I believe.
24 I don't - I don't know. They've only been accused. So till
25 - at the moment, you're innocent until you're proven guilty,
26 so they should get all the support from all their colleagues.
27 And that's all I was trying to do.
28
29 Right. In call 0213-4, when you say that a staff on the
30 call:
31
32 Even if it is a fucking touch up, who gives a shit?
33
34 Remember that call?---Yes, I definitely remember that call.
35
36 When you said those words "Even if it is a fucking touch
37 up", was that a real situation you were talking about, or
38 was it a hypothetical situation you were referring to?---
39 Hypothetical. Hypothetical for sure.
40
41 At the time of making that call, did you know that the prison
42 officers were being investigated for assault?---What - what
43 date again was it again, I can't recall.
44
45 15 August 2020?---No, that was - that was the following day.
46 They got walked out on the 14th I think, so no, I don't know.
47 I don't think I did.
48
49 Right. How important is it for you personally as a staff
50 support officer to encourage people to come to you for
51 support, to talk them up, to give them the support that they

1 necessarily need?---It's very important to me. I've seen -
2 again I repeat, I've seen too many officers commit suicide
3 over the years. So I - whatever they need, whatever they
4 need me to say to boost their morale, to make them feel
5 better at the time, I will do it.

6
7 Right. So when you used those words, "Even if it is a
8 fucking touch up, who gives a shit", in what manner were you
9 trying to convey in what way - - -?---It was - again, it's
10 just, it was a - a off the cuff remark. It was - you know,
11 it - it wasn't like, you know, you was planning on - to
12 assault someone. We don't go to work to get involved in
13 incidents. We go to work to do our job and get home safely.
14 That's all we're interested in and - and look after
15 physically type of thing. We're not there to save the world.
16 We've all got mortgages and families and things like that.
17 We're - we're no - we're not bullies. The way it's coming
18 across from what I've been seeing on the (indistinct) it's
19 like we're a band of villains and things like that, you know.
20 It's nothing like that at all.

21
22 And - and in relation to this particular call, you were
23 questioned about your role as a senior officer and whether
24 it was your responsibility to demonstrate ethical standards.
25 Okay. In what capacity were you having this conversation
26 with this officer?---As a friend.

27
28 And in relation to call 0213-3, sorry, 0077-2, when you spoke
29 to the (indistinct) it was a female prison officer, were you
30 spoke along the lines "I cannot recall the last time I went
31 to the toilet. That's what I would say, things like that",
32 was that a figure of speech?---Of course it was, yeah. It's
33 just - it's just - again, it's black humour. It's - - -

34
35 Were you counselling the officer to deliberately be
36 forgetful?---Not at all. Not at all.

37
38 In relation to this incident that five officers are under
39 investigation for, were you personally involved in either -
40 in the incident?---No, I wasn't. I wasn't on duty that day
41 and I - I never returned to - into the unit 7 for
42 approximately a week afterwards.

43
44 Right. So you weren't aware about the incident?---I didn't
45 even know about it, cos within a week, there's numerous
46 incidents involving different things. So no, I didn't know
47 anything about it at all.

48
49 And was it your role and responsibility to investigate the
50 incident?---No, not at all. The person - the senior officer
51 on the day is the person that does the minutes, and then it

1 goes up to the - i.e. the principal officers or the
2 administration.
3
4 So on this occasion, you didn't even prepare the minutes?--
5 -Nothing to do whatever with me.
6
7 You had no personal involvement?---Nothing whatsoever.
8
9 Again, you have been taken to a number of calls and asked
10 questions about words used by you, such as "Stick to the
11 same story", remember that line of questioning?---Yes
12 (indistinct) yes.
13
14 And "If everyone just sticks to the same story", were you
15 counselling the officers to collude and stick to the same
16 story?---No, not at all. It's just stick to their reports,
17 if their reports are the truth.
18
19 And have you heard of the word "Concrete justice" - - -?---
20 Never heard - - -
21
22 - - - prior to that call?---Yeah, yeah, I've never heard
23 that before.
24
25 Right. We've heard about 10 calls, I think, this afternoon.
26 Were the calls that were played to you, from your
27 recollection, the entirety of that - each call, or was it
28 just half of the calls?---Just a - just a small section,
29 yeah.
30
31 All right?---Some of the calls went on for 10, 15 minutes.
32
33 And what did you talk to the prison officer - - -?---First
34 question is, "How are you going? Anything you need?
35 Anything I can do to help you? Have you caught up with any
36 of the other guys from unit 7, guys or girls from unit 7".
37 Just basically small talk. "Did you watch the rugby last
38 night", you know things along that line.
39
40 So things of emotional support?---100 per cent.
41
42 Caring?---Yeah, yeah.
43
44 Chit-chat?---Yeah.
45
46 Would you say that what's been played to you in each of the
47 calls was taken out of context?---(Indistinct).
48
49 There was one call when you were questioned about what you
50 said, being there's been collusion more than anything else.

1 Okay. Remember that call? It was a call on 14 August 2020?--
2 --That's the actual day, yeah?
3
4 Yes. And you were speaking to that officer and said "This
5 will be more collusion, more than anything else"?---Yeah.
6
7 Was that a conclusion that you had reached because it was an
8 investigation that was going back about an incident two years
9 before?---Two years ago. As I've said, I thought if it would
10 have been - it could have only had - it could have only had
11 something to do with their reports. It couldn't have
12 anything to do with an actual assault because of the time
13 frame.
14
15 When - when an assault takes place within the prison
16 environment - - -?---Yes.
17
18 - - - can you tell us the step by step protocol that has to
19 be adhered to? What happens?---If it's - are you saying a
20 prisoner on prisoner or a prisoner on officer or officer on
21 prisoner?
22
23 Prison officer on a prisoner?---Well, the - the prisoner
24 would put a complaint in.
25
26 Yes?---The officer would be interviewed.
27
28 Who by?---Probably the - again, it would eventually end up
29 into the internals. But if the prisoner puts a complaint
30 it, the security would come along and speak to the prisoner
31 to get a full report off the prisoner.
32
33 When you say "Security" - - -?---Hakea security.
34
35 And that's a different unit to the officers - - -?---Well,
36 it's a different - - -
37
38 - - - in the unit?---Yeah, it's a different section. They're
39 - they only concern their self with security matters.
40
41 Are they part of Professional Standards unit?---No.
42
43 Right. Anyway, security comes and interviews - - -?---They
44 come along and interview the prisoner.
45
46 Yes?---They ask the prisoner if he wants to put a complaint
47 in to WAPOL.
48
49 Yes?---And the - so they get in touch with WAPOL and then
50 the police take it over from there. And they come along and

1 then the officer gets interviewed, I presume. And everything
2 - I don't know. It's never happened with me.
3
4 But the prison officer would have to file a report
5 immediately, is that right?---Well, of course, yeah. Cos
6 then if it's a - an assault, it would come under a PD5 or
7 a - - -
8
9 What's a PD5?---Just a - a physical - - -
10
11 A form?---It's a - on the TOMS. It's a - it's part of -
12 it's a PD5 that we have to fill in, you know?
13
14 Right?---About the actual assault, any injuries and photos
15 and - - -
16
17 So who takes the photographs of the prisoner?---Wherever the
18 - the prison is taken to the medical centre.
19
20 Yes?---And he gets checked by the medic.
21
22 Yes?---And I would - if it was in my unit, I would get in
23 touch with security on the radio and tell them if they could
24 attend the medical centre with a camera.
25
26 Right?---And they would take the photos. If the prisoner
27 was non-compliant and playing up, he would be taken to unit
28 1, which is our strict - stricter area. And one of the
29 officers then - and a medic would be sent down there to check
30 on his welfare. And one of the officers down there would
31 use - cos they have a camera down there. And they would
32 take photos of the prisoner.
33
34 And when would the senior officer become involved in minuting
35 the report and the incident?---As soon as the prison is set
36 on his - set in his area in unit 1.
37
38 Yes?---Once he's got all the details, he took the photograph,
39 the name of the officer who took the photograph, the name of
40 the medic, the time of the medic, the injury - any injuries
41 to staff, anything. Once he gets all the details and the
42 reports come in from the officer, then the senior officer
43 would do the minutes.
44
45 And generally, how long would that type of investigation
46 take?---Well, the - the - the senior officer wouldn't
47 investigate the alleged assault against the prisoner by the
48 officer. That would go on to security. And then that would
49 go on to WAPOL if they require. Or if he just wanted to put
50 a complaint in, it would go to internals. He wouldn't

1 investigate that. He would just be doing the minutes of the
2 actual incident.

3

4 And who actually investigates the assault, if it doesn't
5 involve (indistinct) police?---Well, I would imagine
6 security would interview the prisoner and it - if they think
7 that it's - I would imagine it - whatever they do, cos I've
8 never worked in security, that they would get in touch with
9 internals and internals would come down and interview the
10 prisoner and find out if there's any witnesses, check all
11 the reports and let them - - -

12

13 And how long would that process take without involving the
14 police, if the police were not involved?---I would imagine
15 it would be done within a couple of weeks.

16

17 Right. And if the police were involved?---Then it's when
18 the police turn up and the police would usually within two
19 a week or so period, the police would turn up to interview
20 the prisoner.

21

22 All right. And the - to your knowledge, are you aware of
23 any police investigation dating back two years from an
24 alleged incident?---Never. Never.

25

26 With one of the prison officers under investigation, to your
27 knowledge, had that officer or did that officer suffer from
28 post-traumatic stress disorder?---Yes.

29

30 And as a result of what?---He's - service within the military
31 in Afghanistan.

32

33 Right. With another officer, to your knowledge, do you know
34 if something happened to that officer's property in terms
35 of - - -?---(Indistinct).

36

37 **THE ACTING COMMISSIONER:** Sorry, I don't quite see how
38 that's relevant.

39

40 **CHONG, MS:** It's relating to the mental health and the
41 support that Mr Said as a staff support officer offers as
42 part of his role.

43

44 **THE ACTING COMMISSIONER:** Okay?---Yeah, in February of this
45 year, the officer's house was burnt to the ground he lost
46 all his contents and everything in Belmont.

47

48 **CHONG, MS:** Right. And did you offer support to that
49 officer and his family?---Yes, I did. I did as well as all
50 his other colleagues in unit 7.

51

1 Right. In relation to another officer, did you visit that
2 officer and found the officer at home?---Yeah, the - yeah.

3
4 And what can you tell us?---The other officer was spending
5 most of the day in bed and not getting up.

6
7 Right.

8
9 Thank you, Commissioner, that's the - my examination.

10
11 **THE ACTING COMMISSIONER:** Thank you.

12
13 **TOWER, MS:** Commissioner, I have a few short questions.

14
15 **THE ACTING COMMISSIONER:** Certainly. You won't go around
16 - stand back?

17
18 **TOWER, MS:** Yes, if you wouldn't mind, that would be helpful.

19
20 Mr Said, if senior officers are with junior officers under
21 their command?---Yes.

22
23 Outside of work hours and they're telling them "It's all
24 right if you assault prisoners", is that acceptable?---No.

25
26 And that's because it's important that senior officers
27 demonstrate ethical behaviour and values to their juniors,
28 whether they're at work or not, when they're discussing work
29 issues?---That's if they're discussing work issues, yes.

30
31 These calls we've heard, they're - you're discussing work
32 issues with these people?---Yes.

33
34 And Mr Said, you work shifts. Do you work regular shifts?--
35 --Yeah, of course, yeah. 12-hour shifts.

36
37 Are they always the same shifts each week?---Not at all.
38 All over the place.

39
40 So a colleague getting a call from you at any hour, you may
41 or may not be at work?---Yes, that's right.

42
43 So here, you've called work colleagues, one of which was a
44 junior officer of yours at a time when you could well have
45 been at work and you're their senior officer. How would
46 they have known that you weren't calling them in your
47 capacity as a senior officer at Hakea Prison?---Well, they
48 probably wouldn't know.

49
50 Thank you, Commissioner. No further questions.

51

1 **THE ACTING COMMISSIONER:** Can the witness be released?
2
3 **TOWER, MS:** Yes.
4
5 **THE ACTING COMMISSIONER:** Okay.
6
7 So Mr Said?---Yes, sir.
8
9 A direction was made earlier that a person who has given
10 evidence not discuss the matter with persons who are still
11 possibly to give evidence. There's a list of witnesses still
12 to come on the website and a number of witnesses have given
13 evidence, but they've not been released from further
14 attendance. So you're not to talk to them either. The
15 additional witnesses, or the - the persons that you can't
16 speak to are Andrew Smith, Kenneth Brown, Paul Ledingham and
17 Stuart Young. You can't talk to them about these proceedings
18 and you can't talk to persons who are identified on the
19 website as still to come?---Yes, sir.
20
21 So that's the direction. Otherwise, you're released from
22 your summons and from further attendance at the Commission.
23 Thank you for your evidence.
24
25 We'll adjourn.
26
27 (THE WITNESS WITHDREW)
28
29 AT 4.41 PM THE MATTER WAS ADJOURNED ACCORDINGLY

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

The transcript of Kevin Joseph Said heard on Friday,
20 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 20th day of November 2020 by: Glenda Judge, Sheila Robbshaw, 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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