



Report on corrupt custodial officers and the risks of contraband entering prisons

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INTRODUCTION

- [1] One way prohibited drugs get inside prisons is through prison staff. When security is lax and opportunities for prisoners to corrupt officers are plenty, the ease with which this can occur is alarming.
- [2] The Commission is conducting an ongoing joint investigation with the Department of Justice (DoJ) into public officers engaging in serious misconduct within the Western Australian prison system.
- [3] In particular, the Commission investigated the recent conduct of former Acacia prison (Acacia) custodial officers, Mr Jason Hughes and Mr William Hutton.
- [4] Western Australia currently contracts the operation of Acacia to the private entity Serco Group plc (Serco). The conduct of Mr Hughes and Mr Hutton was identified by Serco and brought to the Commission's attention via the DoJ.
- [5] With assistance from Acacia prison management, the Commission uncovered multiple incidences of custodial officers associating with criminals and members of organised crime syndicates, using prohibited drugs, smuggling prohibited drugs into prison and taking bribes in the form of cash and drugs. The investigation also uncovered one instance of custodial officers illegally importing prohibited drugs into Australia.
- [6] None of these custodial officers had a history of criminality. Rather, this report highlights how prisoners and organised crime syndicates can exploit an officer's weaknesses in order to corrupt them.
- [7] From 29 December 2014 to December 2017, Mr Hughes was employed by Serco as a custodial officer at Acacia. Mr Hughes was predominantly assigned to 'Mike Block' which accommodates approximately 195 prisoners, mostly in single cells.
- [8] Mr Hughes was not popular with the other custodial officers in Acacia. One of his few friends was Mr Hutton, an officer whose duties involved supervising prisoners using the gymnasium facilities.
- [9] The role of gym instructor allowed for more relaxed relationships with the prisoners, gave Mr Hutton access to a wider range of areas within the prison and a greater number of prisoners than custodial officers in other positions.

- [10] Although neither Mr Hughes nor Mr Hutton had a known history of criminality, there were warning signs. Two of Mr Hutton's brothers are criminals, one being a declared drug trafficker. Mr Hutton also has social links to other known criminals.
- [11] Mr Hughes was the subject of numerous intelligence reports from prisoners and custodial officers over a number of months alleging inappropriate relationships with prisoners, drug use and smuggling prohibited drugs into prison. The fact that other prison staff were concerned about Mr Hughes' conduct is significant.
- [12] Whilst allegations by prisoners against officers are not always reliable, they can be an indication that a problem exists and should be evaluated appropriately. In hindsight, some of these reports were telling. For example:
- on 20 April 2017, a prisoner told prison security staff that Mr Hughes brought in a container of pills and received kronic¹ as payment;
 - on 5 May and 9 May 2017, the same prisoner told security staff that Mr Hughes brings contraband into Acacia for prisoner A; and
 - on 3 August 2017, another prisoner told security staff that kronic was being supplied by prisoner B, who was being protected by Mr Hughes.
- [13] Both Mr Hutton and Mr Hughes led high-risk lifestyles, bringing them into association with drug users, dealers and organised criminals. They were in a position to be groomed. Mr Hughes was a lonely man. His social isolation and lack of support with other officers also made him a target for grooming.
- [14] Mr Hughes told the Commission he was befriended and groomed, not only by prisoners but also by Mr Hutton. He alleges Mr Hutton was the 'mastermind' of the operation and he was just following directions.
- [15] However, Mr Hutton's version of events is very different. He paints himself as an innocent bystander who was simply swept up in Mr Hughes' offending.
- [16] The Commission is not satisfied with either version of events. The truth lies somewhere in between.
- [17] To protect the security of some officers, their names have been changed. For reasons of privacy, the Commission has not identified the prisoners.

¹ Synthetic cannabis.

CHAPTER ONE

The arrangement with prisoner C and his wife

- [18] Prisoner C and his wife have both spent significant time in prison. In 2017, prisoner C was incarcerated in Mike Block serving a 12 month sentence for drug offences. Prior to 7 August 2017, prisoner C occupied the cell next to prisoner A.
- [19] On 1 July 2017, prisoner C called his wife on the prisoner telephone system (PTS). He checked that she would be home that evening and indicated that a man, who he referred to as the 'same bloke,' would be visiting their home in Rivervale.
- [20] On 1 July 2017, Mr Hughes visited prisoner C's house and collected a package containing kronic. Kronik is a type of synthetic cannabis and is a prohibited drug under the *Misuse of Drugs Act 1981* (MDA).
- [21] On 6 July 2017, after leaving prisoner A's cell, it was reported that prisoner C was 'having trouble standing, was incoherent'. The Acacia nurse reported that 'he appeared to be under the influence of an unknown substance'.
- [22] On 7 July 2017, prisoner C provided a urine sample which tested positive for cannabinoids.² He later admitted he had ingested kronic.
- [23] Mr Hughes was compulsorily examined by the Commission on 7 December 2017. During his examination, Mr Hughes admitted that he smuggled the kronic ingested by prisoner C into Acacia.
- [24] Mr Hughes' evidence was that prisoner B had approached him and asked him to bring kronic into the prison in or around mid-2017.³ Prisoner B is a member of the Rebels outlaw motorcycle gang (OMCG).
- [25] Mr Hughes knew that prisoner B was getting the kronic into the prison for prisoner A and was aware that prisoner C and his wife had a relationship with prisoner A.
- [26] Mr Hughes said he made an agreement with Mr Hutton that Mr Hutton would drive him to collect the packages from prisoner C's house in return for 30% of the money received.⁴

² DoJ Substance Use Test Results of prisoner C, 2 August 2017.

³ J M Hughes transcript, private examination, 7 December 2017, p 6.

⁴ Ibid p 7.

- [27] Mr Hughes went to prisoner C's house at least five times, including on:
- two unknown dates prior to 1 July 2017;
 - 1 July 2017;
 - 18 July 2017; and
 - 25 July 2017.
- [28] Mr Hughes told the Commission that Mr Hutton drove him on two of those occasions. Mr Hughes collected kronic and money on two occasions, money on one occasion and nothing on two further occasions. The total amount of money he was paid was \$3,000, of which he says Mr Hutton received \$900.⁵
- [29] Mr Hughes gave evidence that on two separate occasions he wrapped the kronic he received from prisoner C's wife, secreted it down the front of his pants, took it through the front gate of Acacia, and gave it to prisoner B.⁶
- [30] Mr Hutton attended a voluntary interview with Commission officers on 5 December 2017. He admitted driving Mr Hughes to prisoner C's house on two occasions. He also admitted that Mr Hughes had told him that he was collecting money and kronic.
- [31] Although Mr Hutton initially denied being aware of the agreement between Mr Hughes and prisoner B, when pressed he admitted 'I was aware - course I was aware ... it was money and it was kronic and it was to go into the prison and Jason would have kept the money for getting the kronic in. I never got any money'.⁷

Prisoner A - the money man

- [32] Drug trafficking from prison presents unique challenges for a dealer. Amongst other things, prisoners cannot access money. Money is an integral part of dealing in prohibited drugs. However, it is well known by drug dealers that law enforcement monitor financial transactions. For that reason, they find creative ways to move money to avoid detection.
- [33] On 23 April 2017, prisoner C was found in possession of bank details relating to a Police and Nurses Bank account for his wife.
- [34] Between 1 January 2017 and 5 October 2017, cash deposits in excess of \$47,000 were made into this account from numerous sources.

⁵ Ibid p 8.

⁶ Ibid p 9.

⁷ W Hutton electronic record of interview, 5 December 2017.

- [35] At least \$10,800 came from an account held in the name of prisoner A's grandfather. The deposits were made by prisoner A's uncle who routinely went to the bank, withdrew the money from prisoner A's grandfather's account and deposited it into prisoner C's wife's account.
- [36] The instructions of when and how much money to deposit into the account were given by prisoner A to his grandmother over the PTS.
- [37] Between 1 January 2017 and 11 August 2017, there were at least 173 cash deposits from numerous sources of between \$50 and \$200 made into prisoner A's grandfather's account, totalling \$25,759. Some had mobile phone numbers as references. These numbers have been traced to associates of Acacia prisoners.
- [38] The Commission believes prisoners would arrange for the deposit of small amounts of money into prisoner A's grandfather's account. When enough money had accumulated to make a sufficient purchase of prohibited drugs, prisoner C's wife would source the drugs. Prisoner A would tell his grandmother to task his uncle to withdraw the required amount and deposit it into prisoner C's wife's account. The drugs would then enter the prison through visitors or staff and be shared amongst the prisoners who had contributed money or be on sold inside the prison.
- [39] Mr Hughes collected cash and a package of prohibited drugs from prisoner C's house on 18 July 2017. The Commission believes the money came from prisoner A. This is an example of how money changed hands.
- [40] On 11 July 2017, prisoner A spoke to his grandmother over the PTS. An extract of their conversation is set out below:

Prisoner A: *Okay, Yer, **I might have to transfer two to the Police and Nurses** if you can please Nan, whenever, tomorrow or the next day, whenever it's easy for you.*

*Prisoner A's
grandmother:* *Yer okay, I will get [your uncle] to do it tomorrow.*

(Emphasis added)

- [41] On 12 July 2017, prisoner A's uncle withdrew \$2,000 from his father's account and deposited \$2,000 into prisoner C's wife's account.
- [42] On 13 July 2017, prisoner C and his wife spoke over the PTS. An extract of their conversation is set out below:

Prisoner C: *Did you, did you umm ...*

Prisoner C's wife: *Yer, I did, **I checked it out**, yer.*

Prisoner C: ***Things are happening?** Last ...*

Prisoner C's wife: Yer,

Prisoner C: Okay, yer I will speak to you in the morning.

Prisoner C's wife: **Yer, two ...**

(Emphasis added)

[43] On 16 July 2017, they had another conversation over the PTS which included the following exchange:

Prisoner C's wife: You know when you spoke to me the other day, you said about **two** being the ...

Prisoner C: Yer.

Prisoner C's wife: Is that the, **is that the one that we're doing** is it?

Prisoner C: Yer.

Prisoner C's wife: Okay. **So I need to get that together** do I?

Prisoner C: Umm ... Yer

Prisoner C's wife: Okay, alright, and **that's who I give it to is it?**

Prisoner C: Yer, yer, **he'll call by** [indistinct]

Prisoner C's wife: Alright, okay.

(Emphasis added)

[44] Two days later, Mr Hughes went to prisoner C's house and collected kronic and cash. The deposit made into prisoner C's wife's account on 12 July 2017 provided the cash for this payment.

[45] Mr Hughes took the kronic into Acacia and gave it to prisoner B.⁸ The Commission believes the drugs were shared between prisoners A, B, C, and possibly others. Mr Hughes told the Commission prisoner D was also aware of this arrangement.⁹

[46] Mr Hughes did not find it difficult to subvert Acacia's security systems.¹⁰ He later took approximately half a gram of methylamphetamine into the prison for prisoner B.¹¹

[47] Buoyed by his success, Mr Hughes' behaviour escalated.

⁸ J M Hughes transcript, private examination, 7 December 2017, p 9.

⁹ Ibid p 9.

¹⁰ Ibid pp 9-10.

¹¹ Ibid p 24.

CHAPTER TWO

The arrangement with prisoner E and relationships with outlaw motorcycle group members and associates

- [48] Prisoner E is a member of the Comanchero (OMCG) and is currently a sentenced prisoner at Hakea Prison. At the relevant time, he was incarcerated in Mike Block, in Acacia.
- [49] Mr Hughes and Mr Hutton trained at the 24/7 Power Fitness gym in Midland. This gym was frequented by former prisoners, including an associate of prisoner E's.
- [50] During 2017, both Mr Hughes and Mr Hutton were taking steroids. Mr Hughes obtained the steroids from Mr Hutton and another Acacia officer.¹²
- [51] Mr Hutton told Commission investigators that he met the former prisoner in the gym and engaged in a casual conversation, during which Mr Hutton was recognised as an officer working at Acacia.
- [52] In the course of discussing training and injuries, the former prisoner offered to obtain some 'deca' for Mr Hutton. 'Deca' is a slang name for nandrolone decanoate which is a steroid and a 'prohibited drug' for the purposes of the MDA.¹³
- [53] Mr Hutton agreed to purchase two bottles of 'deca' for \$280.
- [54] At a later time, Mr Hutton met the former prisoner in the gym where they exchanged the money for the steroids. Mr Hutton told Commission officers he never saw the former prisoner again.
- [55] Mr Hughes was aware that Mr Hutton had bought steroids from the former prisoner and that he had purchased one of these bottles of steroids for personal use.
- [56] Mr Hughes told the Commission that this led to him becoming involved in an agreement to smuggle steroids into Acacia for prisoner E.¹⁴ According to Mr Hughes, this came about as a result of him standing with Mr Hutton when they were approached by prisoner E. Prisoner E asked if his friend had 'looked after' Mr Hutton. Mr Hutton answered that he had.

¹² J M Hughes transcript, private examination, 7 December 2017, p 14.

¹³ Nandrolone decanoate is a 'prohibited drug' for the purposes of the MDA by virtue of being listed in Schedule 2A Division 3 of the *Misuse of Drugs Regulations 1982*.

¹⁴ J M Hughes transcript, private examination, 7 December 2017, p 18.

[57] Prisoner E then asked Mr Hutton 'well, what are you going to do for me then?' Mr Hutton asked prisoner E what he wanted. An agreement was made whereby Mr Hutton would take 300 dianabol tablets into the prison in three equal batches. Prisoner E would pay Mr Hutton \$5,000 for each batch.

[58] Dianabol is a brand name for the anabolic steroid methylandrostanolone. Methylandrostanolone is a prohibited drug.

[59] Of his role in the arrangement, Mr Hughes said:

Apparently my role on it, if I wanted to be involved, would be to pick it up and Billy Hutton would take it into the prison. Billy Hutton is a gym officer. He evades pat searches usually and bag searches because he has early starts in the morning ...¹⁵

[60] Mr Hutton's version of events is quite different. He told investigators the former prisoner had asked him to tell prisoner E 'I'm bigger than he is now'. Mr Hutton passed on this message and told prisoner E that he had bought steroids from the former prisoner. Prisoner E then said to him something like 'surely some for me?'. However, Mr Hutton denied being involved in any agreement to take anything into the prison for prisoner E, or having any knowledge of anyone else doing so.¹⁶

[61] It is evident from a conversation which occurred over the PTS on 5 July 2017 that prisoner E and the former prisoner saw things differently. The 'training buddy' reference is code for Mr Hutton:

Prisoner E: You know your new training buddy?

Former prisoner: Yeah.

Prisoner E: Yeah he's a good cunt aye?

Former prisoner: I know he is mate.

Prisoner E: Yeah do you understand what I'm tryna say?

Former prisoner: Yeah I do already cuz don't worry why do you think I booked to come and see you already?

Prisoner E: (laughter) Reckon he's cool? Reckon he's down?

Former prisoner: He's, yeah course.

Prisoner E: Too lovely brother too lovely, oi listen.

Former prisoner: Cuz a hundred percent, a hundred percent.

...

Yeah he's keen he's keen.

¹⁵ Ibid p 3.

¹⁶ W Hutton electronic record of interview, 5 December 2017.

Prisoner E: Yeah yeah yeah yeah, good, good, good, good when he told me I was like yes we're in now brother.

Former prisoner: You know it aye cuz.

Prisoner E: Yeah of course brother of course.

[62] On 8 August 2017, Mr Hughes took liquid steroids into Acacia prison and gave them to prisoner E. Mr Hughes gave evidence that he brought the liquid in a plastic bottle secreted down the front of his pants. Mr Hughes was vague when asked by the Commission about how this arrangement was made between him and prisoner E, saying it wasn't really discussed.¹⁷

[63] Mr Hughes and Mr Hutton had previously met prisoner E's cousin at the 24/7 Power Fitness gym in Midland.

[64] Prisoner E told Mr Hughes to meet his cousin outside the 24/7 Power Fitness gym in Midland to receive payment for the liquid steroids. Mr Hughes subsequently met prisoner E's cousin outside the gym and was paid \$1,000.

[65] Mr Hughes told the Commission that Mr Hutton did not know about this meeting. He did not share this money with Mr Hutton and he spent the money on prohibited drugs.¹⁸

[66] Mr Hughes told the Commission his involvement in the arrangement increased due to the amount of money Mr Hutton was asking for, saying:

Billy Hutton was saying 5000 each time it was to go in. I questioned Bill at a later date, "That's a lot of money," and his opinion was, "[prisoner E] can afford it. If he wants it bad enough, he'll pay."¹⁹

[67] Mr Hughes told the Commission he then had a conversation with prisoner E where he agreed to bring the 300 dianabol tablets into the prison in one batch and get paid \$3,000.²⁰

[68] What followed was a number of failed attempts to meet prisoner E's cousin, clandestine meetings and miscommunications.

[69] On 28 September 2017, prisoner E spoke with his cousin over the PTS. He instructed his cousin to meet someone outside the Spotlight shop near the gym at 10.00 am on Saturday. On Saturday, 30 September 2017, Mr Hughes attended this Spotlight shop. Prisoner E's cousin did not attend.

¹⁷ J M Hughes transcript, private examination, 7 December 2017, p 18.

¹⁸ Ibid pp 16-17.

¹⁹ Ibid p 4.

²⁰ Ibid p 5.

- [70] On 12 October 2017, prisoner E again instructed his cousin to meet someone in the 'same place' at 10.00 am on Saturday. On Saturday, 14 October 2017, Mr Hughes met prisoner E's cousin outside Spotlight at 10.00 am.
- [71] Mr Hughes told the Commission that prisoner E's cousin said he was struggling to source the dianabol tablets and needed more time. He gave Mr Hughes a clip seal bag containing methylamphetamine and another unknown drug and said 'this is for you. Sorry for the fuck around'. Mr Hughes told the Commission he and Mr Hutton consumed the drugs together that night and the following day.²¹
- [72] Mr Hughes' evidence was that prisoner E's cousin then introduced him to an unnamed young man of Asian appearance and told Mr Hughes that he would meet with this man 'next time'.²²
- [73] Mr Hughes met this unnamed man four times, on:
- 31 October 2017;
 - 1 November 2017;
 - 4 November 2017; and
 - 6 November 2017.
- [74] As had been agreed, Mr Hughes was expecting to receive 300 dianabol tablets and \$3,000 to \$5,000. On the first occasion, Mr Hughes received four vials of liquid steroids²³ and a quantity of methylamphetamine. Some of the methylamphetamine was to be taken into the prison for prisoner E for his birthday; the rest was to be kept by Mr Hughes.
- [75] During this meeting, Mr Hughes told the unknown man:
- ... the agreement I had with him, supposed to be 300 D-bol pills umm and 3K umm that's someone was tryna someone was going to do it for him for 5 but I said nuh fuck blah blah blah blah.*
- [76] Mr Hughes admitted taking approximately half a gram of the methylamphetamine into the prison by secreting it down the front of his pants. He gave it to another prisoner known to him only by a nickname, who gave it to prisoner E. Mr Hughes said he used the rest of the methylamphetamine.²⁴

²¹ Ibid p 21.

²² Ibid p 22.

²³ Exact compound unknown.

²⁴ J M Hughes transcript, private examination, 7 December 2017, p 24.

[77] At the second meeting, Mr Hughes was given \$1,000 by the unnamed man who said he got it from 'his cousin'. Mr Hughes said he was expecting another \$2,000.

[78] Mr Hughes was in control of the arrangements, he was comfortable expressing his expectations and was not intimidated by the type of people he was dealing with. This is clear from the conversation between Mr Hughes and the unnamed man:

Hughes: Cos it was supposed to be uhm, Dianabol tablets.

UM: Okay.

Hughes: Okay? Not glass bowls, not the aluminium.

UM. Yeah.

Hughes: And because they want all the needles and stuff to go with it as well, its fucken, it's even more risky, fucken tryin' to get that in.

...

Hughes: I just want the money and fucken, cos I'm, I'm hot at the moment. I'm quite hot.

...

Hughes: Give me a G.

UM: Yeah.

Hughes: Uhm, just let them know there's two to come.

UM: Yeah.

Hughes: He's not gonna get it all until I got the money.

[79] An extract of the audio recording of the second meeting is attached and forms part of this report.

[80] At the third meeting with the unknown man, Mr Hughes was given \$1,500 and another gram of methylamphetamine. Mr Hughes' evidence was that he used some of the methylamphetamine and sold the rest to Mr Hutton.

[81] At the last meeting, Mr Hughes received a further \$1,500, making a total of \$4,000. Mr Hughes' evidence was that he retained the money for himself and spent it on personal services, gambling, alcohol, food and household things.²⁵

²⁵ Ibid p 31.

- [82] Although Mr Hutton had regular contact with prisoner E, he did not necessarily know every time Mr Hughes was meeting prisoner E's associates, as Mr Hughes was being tasked directly by prisoner E. Mr Hughes did not share the money with Mr Hutton.²⁶
- [83] When Mr Hughes was challenged by counsel assisting the Commission with, "... you said Bill brokered the deal but really it's your deal, isn't it?" Mr Hughes replied "... yeah, okay".²⁷
- [84] The Commission concludes that although Mr Hutton brokered the corrupt deal, Mr Hughes essentially took it over and negotiated Mr Hutton out.
- [85] The ease with which Mr Hughes negotiated drug deals with dangerous criminals and 'cut out' the competition militates against his claims that he was a naive and trusting person who was groomed by Mr Hutton.
- [86] However, Mr Hutton was not an innocent bystander in this deal. Although he denied any involvement, he admitted to Commission investigators that he knew what Mr Hughes was doing, saying 'I had a fair idea what was going on'.²⁸
- [87] Mr Hughes could not complete his side of the arrangement, as he was never provided with the dianabol tablets. His answers to the Commission's questions show how an officer may find him/herself in a compromised position where s/he can be coerced into acting corruptly:
- because you did it. So do you now owe the Comancheros \$4000?---I owe somebody some money.*
- Who?---I don't know whether it's the Comancheros, [...], whether it's [...], Triads.*
- Are you concerned about that?---Yes.*
- Have you been approached by anyone to pay this money back?*
- No.*
- Do you think that's likely to happen?---Yes.*
- Has anyone been approached about this money?---Not to my knowledge.*
- You're talking about Comancheros and members of the Triad. They're pretty scary people?---Yes.*
- So are you sure you didn't do anything else for them for this money?---Yes.*
- Do you have the money to pay it back?---No.*
- Are you concerned for your safety?---Yes.²⁹*

²⁶ Ibid p 27.

²⁷ Ibid p 31.

²⁸ W Hutton electronic record of interview, 5 December 2017.

²⁹ J M Hughes transcript, private examination, 7 December 2017, pp 31-32.

CHAPTER THREE

The arrangement with prisoners G and H

- [88] Rumours about Mr Hughes' behaviour and his preparedness to assist prisoners to access drugs were beginning to spread. Mr Hughes told the Commission that he was approached by prisoner F who asked him to have a chat with prisoner G.
- [89] Prisoner G is a member of the Rebels OMCG.
- [90] Prisoner G asked Mr Hughes if he would pick something up for him and bring it into the prison for \$2,500. Mr Hughes agreed.
- [91] Mr Hughes attended a property in Merriwa and collected a plastic bag. The bag contained kronic and a mixture of pills prisoner G called 'poppers'.³⁰ The bag also contained \$1,000 cash.
- [92] Mr Hughes admitted taking the drugs into the prison by concealing them down the front of his pants and later giving them to prisoner G.
- [93] Mr Hughes was supposed to attend another address to collect the remaining \$1,500 he was owed. At the time of the Commission examination, this had not occurred. Mr Hughes told the Commission he had last spoken with prisoner G about this only two weeks before attending the Commission.
- [94] The property where Mr Hughes collected the drugs belongs to prisoner H, a senior member of the Rebels OMCG.
- [95] Mr Hughes was aware of the involvement of prisoner H, and believed prisoners G and H were going to make money on-selling the drugs in prison.

³⁰ Described by J M Hughes as an assortment of pills including xanax.

CHAPTER FOUR

Association with prisoner D

- [96] Prisoner D is a nominee of the Rebel OMCG who was incarcerated in Mike Block in 2017. He frequently associated with prisoner B whilst incarcerated.
- [97] Mr Hughes also associated with prisoner D and continued the association once he was released. Mr Hughes' evidence on this was:
- Again, I – I got along with [prisoner D]. [Prisoner D] was aware of the way the staff were treating me inside the prison. ... To be honest, I don't – don't have any – any friends. I didn't – didn't have anyone to talk to. I was probably just trying to someone – find someone to vent to, to listen.³¹*
- [98] Prisoner D was released from Acacia on 18 August 2017. He went to live with an associate, Mr James Price, in Rivervale (the Price house).
- [99] On 17 August 2017, Mr Hughes called Mr Price to ensure that Mr Price would be collecting prisoner D when he was released.
- [100] Mr Hughes called Mr Price again on 2 September 2017 in an attempt to speak with prisoner D. Mr Price gave Mr Hughes a number for prisoner D. Mr Hughes made arrangements to meet prisoner D at the Price house that night.
- [101] At 11.00 pm on 2 September 2017, Mr Hughes and Mr Hutton visited the Price house. Mr Hughes told the Commission that he and Mr Hutton had been at the casino that night and had already consumed methylamphetamine before going to the Price house.³² Mr Hutton knew they were going to see prisoner D and knew who he was and that he had been incarcerated in Acacia.³³
- [102] Mr Hutton's version of events was somewhat different. He told Commission officers³⁴ he was at the casino with Mr Hughes and on the way home, Mr Hughes had asked if they could stop in to visit prisoner D. Mr Hutton did not know who prisoner D was until they had entered the building and he saw him. He then recognised him as a former prisoner.
- [103] Prisoner D greeted Mr Hughes by embracing him and that they appeared to be very comfortable in each other's company. Although not as warm, the greeting between Mr Hutton and prisoner D was friendly.

³¹ J M Hughes transcript, private examination, 7 December 2017, p 36.

³² Ibid p 38.

³³ Ibid p 37.

³⁴ W Hutton electronic record of interview, 5 December 2017.

- [104] Mr Hughes admitted that once inside the apartment, prisoner D sold them each half a gram of methylamphetamine for \$300. Mr Hutton consumed his share while at the Price house and Mr Hughes took his home.
- [105] In contrast, Mr Hutton told investigators that he sat at the coffee table with prisoner D's roommate, believed to be Mr Price, and chatted for an hour. This occurred while Mr Hughes and prisoner D spoke on the balcony. He said he did not consume any drugs or take any drugs from the property.³⁵
- [106] When Commission investigators asked Mr Hutton if he saw a conflict of interest in being an officer and being at the Price house, he replied 'yeah of course'.³⁶ However he admitted not doing anything about it or asking Mr Hughes why they went there.
- [107] The Commission has information to suggest that whilst at the Price house, prisoner D asked to borrow a note. Mr Hutton lent him a \$50 note, which prisoner D forgot to return. When presented with this information, Mr Hughes gave evidence that the note was to scrape methylamphetamine from the bottom of a bag to place in a glass pipe.³⁷ Mr Hutton told Commission investigators that while he lent prisoner D the note, he did not know what it was for and never got it back.
- [108] On 7 September 2017, Mr Hughes visited the Price house for about an hour. He brought syringes for prisoner D. Mr Hughes told the Commission he could get the syringes from Mr Hutton because he ordered them in bulk from pharmaceutical companies. Mr Hughes also brought his hairdressing equipment and gave prisoner D a haircut. He had seen steroids in prisoner D's refrigerator on his previous visit and was hoping to obtain some.
- [109] After this visit, prisoner D invited Mr Hughes to use an encrypted messaging service. Mr Hughes told the Commission he used this service "... for the reasons that it's in place, so messages, conversations can't be listened to or – or followed".³⁸ When asked who he uses it with, Mr Hughes said:

*at the moment with Charles Totterdell, stuff that's going on at work; with Bill Hutton, again stuff that's going on with work; with [prisoner D], his – everything to do with his lifestyle he doesn't – doesn't want anyone to know about.*³⁹

³⁵ Ibid.

³⁶ Ibid.

³⁷ J M Hughes transcript, private examination, 7 December 2017, p 39.

³⁸ Ibid p 41.

³⁹ Ibid p 41.

- [110] On 13 September 2017, Mr Hughes visited the Price house again. He told the Commission he purchased \$300 worth of methylamphetamine which he consumed later with Mr Hutton.⁴⁰
- [111] Mr Hughes also visited the Price house on 20 November 2017. He exchanged 20 ml of testosterone,⁴¹ 10 ml of 'deca' and \$200 for 1 g of methylamphetamine. He had sourced these steroids from New Zealand in conjunction with another Acacia custodial officer, Mr Charles Totterdell.

⁴⁰ Ibid p 44.

⁴¹ Testosterone is a 'prohibited drug' for the purposes of the MDA by virtue of being listed in Schedule 2A Division 3 of the *Misuse of Drugs Regulations 1982*.

CHAPTER FIVE

Prison officers and drug use

- [112] On 1 September 2017, Mr Hughes and Mr Hutton used methylamphetamine at Mr Hutton's home in company with another officer, Mr Michael Porter.
- [113] When questioned about this, Mr Hutton initially denied it. However, when presented with information from the Commission's investigation he said: "... you got me I was smoking a bit of that shit".⁴²
- [114] Mr Hutton admitted that his friend, Mr Jordan Hall, supplied himself, Mr Hughes and Mr Porter with methylamphetamine which they consumed that night. The next day, he called Mr Hall and obtained more methylamphetamine which he consumed with Mr Hughes.
- [115] Mr Porter was interviewed by Commission officers on 30 January 2018. He made admissions to using methylamphetamine, being aware that Mr Hughes and Mr Hutton used methylamphetamine and trying to source the drug from Mr Hughes and Mr Hutton.⁴³
- [116] Mr Hutton told Commission investigators he was approached by another custodial officer who was asking for 'deca'. Mr Hutton said he gave this officer one of the bottles of 'deca' he received from the former prisoner.⁴⁴
- [117] Mr Hughes gave evidence that he imported steroids from New Zealand in conjunction with Mr Totterdell.⁴⁵
- [118] Mr Totterdell has emphysema. He told investigators that due to his emphysema, he is at risk of developing pneumonia and is mindful to maintain his body weight in order to reduce this risk.⁴⁶
- [119] Mr Totterdell told investigators that he recently suffered a significant illness and lost 12-13 kg. When he returned to work, he was noticeably gaunt. Mr Hughes suggested using testosterone as a way in which he could regain weight.

⁴² W Hutton electronic record of interview, 5 December 2017.

⁴³ M Porter electronic record of interview, 30 January 2018.

⁴⁴ W Hutton electronic record of interview, 5 December 2017.

⁴⁵ J M Hughes transcript, private examination, 7 December 2017, p 53. Testosterone and nandrolone are both 'prohibited drugs' for the purposes of the MDA by virtue of being listed in Schedule 2A Division 3 of the *Misuse of Drugs Regulations 1982*.

⁴⁶ C Totterdell electronic record of interview, 12 February 2018.

- [120] Mr Hughes admitted that he supplied Mr Totterdell with steroids.⁴⁷ He told the Commission that he and Mr Totterdell later agreed to import 110 ml of testosterone from New Zealand and to share the cost of \$1,400.
- [121] The steroids were shipped to Mr Totterdell's address. Mr Hughes paid for the steroids and Mr Totterdell later paid him for half of the cost via bank transfer. Mr Hughes told the Commission he received half of these steroids and gave half of his share to Mr Hutton.⁴⁸
- [122] Mr Totterdell told Commission officers he agreed to pay \$700 to Mr Hughes and to have the testosterone posted to his address. Mr Hughes came and collected it and gave Mr Totterdell approximately half. Mr Totterdell used the testosterone for approximately one month and stated it had had the desired effect.⁴⁹
- [123] Mr Totterdell has since had prescriptions for testosterone from doctors in the Philippines. However, he told Commission investigators his doctor in Australia refused to prescribe him with testosterone due to its deleterious effect on the liver.⁵⁰
- [124] Both Mr Hughes and Mr Hutton provided the Commission with the names of several other officers believed to be users of steroids. This information has been provided to the DoJ.
- [125] When asked whether he thought there was a culture of steroid use amongst officers, Mr Hutton told investigators that 'there was a phase' where lots of officers were using them.⁵¹
- [126] Mr Totterdell told Commission officers he had heard rumours that a few officers surrounding Mr Hughes and Mr Hutton were also using steroids.

⁴⁷ J M Hughes transcript, private examination, 7 December 2017, p 54.

⁴⁸ Ibid p 55.

⁴⁹ C Totterdell electronic record of interview, 12 February 2018.

⁵⁰ Ibid.

⁵¹ W Hutton electronic record of interview, 5 December 2017.

CHAPTER SIX

Acacia security

Searching officers

[127] Mr Hughes gave evidence that on every occasion he took drugs into Acacia, he did so by secreting them down the front of his pants.

[128] Mr Hughes did not find Acacia's security systems difficult to circumvent, nor was he concerned about getting caught:

How difficult was it on the occasions you took drugs into prisons, how difficult was it to get it in?---Not – not at all, no difficulty whatsoever. One day that I did take it in, it was a day that we were getting searched. I think it was the first time I ever took something in, it happened to be the day that we were getting searched and in all honesty, the pat search is – “In you go,” and these are conducted by intelligence officers as well. Not difficult at all.

Not?---Not difficult at all. There's never – never dogs. To – I wore two pairs of underpants, a smaller pair, briefs, and then boxers over the top, just to keep it tucked in and just walked straight through.

...

Were you concerned at all that you would be caught when you brought drugs into the prison?---No.⁵²

[129] Mr Hutton told Commission investigators he did not know exactly how Mr Hughes was avoiding detection by security. However, he suspected the drugs were "obviously going down somewhere".⁵³ Mr Hutton told investigators that officers were searched sometimes but not a great deal, that the searches were random and officers were not forewarned.

[130] Mr Hughes gave evidence that as the gym officer, Mr Hutton could avoid being searched due to starting early. When there was a search on, Mr Hutton could warn Mr Hughes by calling him and asking him to bring some 'pre-workout' in. This was their code for 'they're doing searches today'.⁵⁴

[131] Serco was given an opportunity to respond to the Commission's draft report. Their response provided:

... we have a number of physical security measures in place to detect contraband both on entry and in the event that it enters the prison. These include screening for all who enter, metal detection of individuals and x-rays of property, through

⁵² J M Hughes transcript, private examination, 7 December 2017, pp 9-10.

⁵³ W Hutton electronic record of interview, 5 December 2017.

⁵⁴ J M Hughes transcript, private examination, 7 December 2017, p 9.

the use of equipment provided by the Department of Corrective Services. We also conduct enhanced searching of staff and did so in 5,149 cases during 2017. We have invested in very good drug detection dogs and quality training. Dogs were deployed in no fewer than 699 staff searches in 2017. Prisoner accommodation is searched regularly as well as on an intelligence-led basis.⁵⁵

[132] Acacia's security is at least as effective as security measures in place at other WA prisons.

[133] In their response, Serco stated:

... Acacia Prison recognises that there is room for improvement within the general operations and prevention of contraband entering the facility, via entry through the gatehouse and sally port. ... we have implemented an Entry Search Improvements Project Plan that included a corruption prevention strategy with a focus on integrity testing. We also put in place an inter-agency professional standards committee that focused on risk nominals, improved training in relation to grooming and improved searching protocols, all of which are in the process of implementation. In 2018 to date, contraband simulation tests have resulted in a 90% detection rate.

...

... we understand the limits of physical security measures, particularly when addressing corrupt behaviour by staff. First, we are seeking to tighten these as per our Entry Search Improvements Project Plan. Beyond that, we take a holistic approach to security which includes running an effective intelligence function, as well as in partnership with the Department of Corrective Services, the Police, the Corruption and Crime Commission and others.⁵⁶

Drug testing

[134] There appears to be different understandings amongst officers about the DoJ drug testing regime. Although some officers indicated being concerned about being drug tested, it didn't stop them using prohibited drugs.

[135] Mr Hughes gave the following evidence about his understanding of the drug testing regime:

From what I understand it costs about a thousand dollars per test and they have to target specifically what they are testing for. Bill Hutton went for a urinalysis test. He was freaking out and from what I gather he passed a clear urinalysis test. He was thankful that we didn't catch up a couple of nights earlier.⁵⁷

⁵⁵ Letter from Mr Heath Chapple, Managing Director, Justice & Immigration, Serco Asia Pacific to Commissioner, 6 June 2018, p 4.

⁵⁶ Ibid pp 2, 4.

⁵⁷ J M Hughes transcript, private examination, 7 December 2017, p 30.

[136] Of this drug test, Mr Hutton said he wasn't using drugs at that time, which was "lucky" as he agreed that he was "rolling the dice".⁵⁸

[137] Mr Totterdell was not aware that he could be tested for steroids, only for what he considered to be "illicit drugs".⁵⁹

Reporting

[138] Custodial officers are under a statutory duty to report anything which may jeopardise the security of the prison or the safety of the prisoners.⁶⁰

[139] The Commission's investigation uncovered numerous incidences of officers failing to report illegal and high risk behaviours of other officers.

[140] In particular, Mr Hutton asserted that:

- numerous custodial officers were using steroids;
- Mr Hughes and other officers were using methylamphetamine;
- Mr Hughes was smuggling prohibited drugs into Acacia in exchange for money and drugs; and
- Mr Hughes was associating with ex-prisoners.

[141] Mr Hutton did not report any of this, his reasoning being that 'In my head I've thinking I'm not meeting anyone, I'm not taking anything in, it's not ... it's not up to me to say anything'.⁶¹ Although this view is incorrect, it may be a common one.

[142] When another officer was making complaints about Mr Hughes' suspicious associations, Mr Hutton presented a counter narrative designed to protect Mr Hughes from criticism.

[143] Mr Hutton admitted he did this, despite knowing the other officer was doing the right thing, because he didn't like the other officer and because Mr Hughes was his friend.

[144] Mr Hutton had some insight into his failure to report, telling investigators "I didn't act on it and tell people that I should of umm you know like maybe if I did I wouldn't be in this situation".⁶²

⁵⁸ W Hutton electronic record of interview, 5 December 2017.

⁵⁹ C Totterdell electronic record of interview, 12 February 2018.

⁶⁰ *Prisons Act 1981 s 12 and Policy Directive 41.*

⁶¹ W Hutton electronic record of interview, 5 December 2017.

⁶² *Ibid.*

[145] The officers indicated that steroid use amongst custodial officers is an 'open secret' that many know about but do not report. Officers appear reluctant to 'dob' on their friends, even where their behaviour is criminal.

CHAPTER SEVEN

Grooming

- [146] Prisoners will often try to 'groom' officers by forming relationships with them to identify their weaknesses. The aim is to get the officer into a situation where s/he can be manipulated, shamed, coerced, bribed or threatened into bringing in contraband, providing information or doing other 'favours' for a prisoner.
- [147] Custodial officers are trained to identify and resist 'grooming' behaviour from prisoners. They are told to avoid putting themselves in situations where they may be targeted, for example:
- associating with criminals, especially ex-prisoners;
 - engaging in unlawful activity; or
 - engaging in activity about which they could be blackmailed.
- [148] Mr Hutton told Commission investigators that he remembered this training and he knew not to make friends with prisoners. He was conscious of prisoners trying to get him to bring shoes, drugs and phones into the prison. Mr Hutton said he normally laughed off these attempts but did not report them.⁶³
- [149] Despite their training, both Mr Hutton and Mr Hughes put themselves in positions where they became targets for grooming, and were extremely compromised because of their association with prisoners.

The gym and steroids

- [150] Mr Hughes and Mr Hutton were members of a gym which was frequented by a number of ex-prisoners. Both men admitted to using steroids.
- [151] Once the former prisoner identified Mr Hutton as a custodial officer, it was very easy to get him to unlawfully purchase steroids. If Serco found out, Mr Hutton would likely have lost his job and it is likely the former prisoner knew this.
- [152] Mr Hutton was at risk of being blackmailed. However, when this was put to Mr Hutton, he failed to appreciate the risk, saying "I wouldn't let him use it against me".⁶⁴ Mr Hutton was not concerned that an ex-prisoner

⁶³ Ibid.

⁶⁴ Ibid.

was offering him steroids. He didn't feel the need to be wary of meeting ex-prisoners, saying he had never had any problems with them.

Methylamphetamine use

- [153] Both Mr Hughes and Mr Hutton admitted to using methylamphetamine. Mr Hughes' evidence was that he sourced this drug largely from ex-prisoners and associates of current prisoners. Mr Hutton sourced methylamphetamine from a criminal associate, Mr Hall.
- [154] Mr Hughes' evidence is an illustration how associating with criminals can lead to an officer's safety being threatened, resulting in corrupt behaviour.
- [155] Methylamphetamine is highly addictive. Once addicted, an officer may be willing to do things they wouldn't normally do. It also has dramatic effects on cognitive function, which can lead to poor decision making.

Personal vulnerabilities

- [156] Mr Hughes was socially isolated. He came from New Zealand and had no family or friends in Perth. Mr Hughes had a dysfunctional upbringing and is divorced from the mother of his children. Mr Hughes met his current wife in the Philippines and brought her to Australia. He did not have much of a social life or support network outside of work.
- [157] Mr Hughes was not accepted by the other custodial officers as they were suspicious of his relationships with prisoners. Mr Hughes' evidence was this led him to interact more with the prisoners: "I was pretty friendly with most of the prisoners. I'd – as you probably heard, I was quite isolated from other staff, so I'd spend most of my time sitting down, interacting with prisoners".⁶⁵
- [158] The prisoners noticed this. They gave him the nickname, FONC:

Friend of no cunt. That was the nickname that I'd pretty much gotten – they would laugh at me because again it was such a bizarre environment where the officers wouldn't talk to me. I was pretty isolated from them you know, "You're a friend of no cunt," blah blah blah; FONC, kind of. It was – it was humorous for them, so it stuck.⁶⁶

⁶⁵ J M Hughes transcript, private examination, 7 December 2017, p 33.

⁶⁶ Ibid p 34.

[159] When he was asked why he thought prisoner B approached him, Mr Hughes said:

In hindsight these prisoners have 24 hours a day to sit and watch. I'd been subject to being moved out of one block and moved to another ... I was never really a part of any – any team. ... and then I started to get bullied and harassed ...

I wouldn't spend any – any time with the other officers. I wasn't ever in the movement. I was always out on the floor. I was always interacting with prisoners, and I suppose they could see that and they could probably feel the tension and how I was being ostracised, and again just slowly chipped away at me. I was feeling pretty vulnerable. I wasn't feeling very supported. I got quite depressed. ... I was in a dark place. I had Bill Hutton take some interest in me. I didn't really have any friends, so I just kind of started to go along with things.⁶⁷

[160] Mr Hughes told the Commission that Mr Hutton befriended him due to his social isolation:

I was – just found myself just getting more and more isolated and then Billy Hutton showed some interest in me. I started training in the gym with him. He got me the first lot of steroids. That was the basis for our relationship evolving. He talked about taking drugs into the prison. Would I consider it blah blah blah ...⁶⁸

[161] For his part, Mr Hutton had recently gone through a marriage breakdown. He told Commission investigators that since his divorce, he has had a lot of free time which led him to spend more time in the gym.⁶⁹

[162] Mr Hutton had received a substantial lump sum payment as part of the financial settlement from his divorce. This money was funding a high risk lifestyle involving drinking, gambling, prostitution and drugs including methylamphetamine. This lifestyle placed Mr Hutton in venues frequented by criminals. For example, Mr Hughes told the Commission that Mr Hutton introduced him to an ex-prisoner at a social venue. Mr Hughes went on to purchase methylamphetamine from this man.

[163] Mr Hutton was also an avid user of sex workers, which is a weakness prisoners could exploit. For example, one such worker who had a son in Acacia asked Mr Hutton to 'look out' for her son by getting him on the list for 'boot camp,' and she offered him a 'free service' in return. Mr Hutton did this, though it is not clear whether this prisoner would have otherwise been included in the 'boot camp'. Mr Hutton was evasive on this point.⁷⁰

[164] Both Mr Hughes and Mr Hutton put themselves in situations where their weaknesses could be exploited by prisoners and they were both involved in illegal activity with former prisoners and criminals.

⁶⁷ Ibid p 13-14.

⁶⁸ Ibid p 59.

⁶⁹ W Hutton electronic record of interview, 5 December 2017.

⁷⁰ Ibid.

CHAPTER EIGHT

Conclusions and opinions of serious misconduct

- [165] Upon receiving the results of the Commission's investigation, Serco took prompt disciplinary action against Mr Hughes and Mr Hutton, which led to their dismissal.
- [166] The DoJ has informed the Commission that they have removed Mr Totterdell's high-level security permit and will be referring a matter to the Western Australia Police Force for investigation.⁷¹
- [167] Mr Hutton and Mr Hughes gave conflicting versions of events. While the Commission is of the view that neither was completely frank, each officer admitted to corrupt activities. The Commission does not need to determine the detailed role of each officer in every instance of serious misconduct.
- [168] On the basis of all of the evidence, the Commission is of the opinion that Mr Hughes:
- possessed and supplied steroids;
 - possessed and supplied methylamphetamine;
 - accepted bribes;
 - acted corruptly in the performance of his functions so as to gain a benefit, by smuggling prohibited drugs into prison; and
 - unlawfully imported steroids into Australia.
- [169] The Commission forms an opinion of serious misconduct against former custodial officer, Mr Jason Hughes pursuant to the *Corruption, Crime and Misconduct Act 2003* (CCM Act) ss 4(b) and (c).
- [170] On the basis of all available evidence, the Commission is of the view that Mr Hutton:
- possessed and supplied steroids;
 - possessed and supplied methylamphetamine;
 - aided another to corruptly smuggle prohibited drugs into Acacia;
 - aided another to accept bribes; and

⁷¹ Letter from Dr Adam Tomison, Director General, DoJ to Commissioner, 7 June 2018, p 1.

- corruptly failed to fulfil his duties as a custodial officer by not reporting the unlawful activities of Mr Hughes. His failure to report was motivated by an improper purpose, a desire to keep his own illegal activities secret.

[171] The Commission forms an opinion of serious misconduct against former custodial officer, Mr William Hutton, pursuant to the CCM Act ss 4(a), (b) and (c).

[172] A finding or opinion of serious misconduct is not to be taken as a finding or opinion that a particular person is guilty or has committed a criminal offence.⁷²

⁷² CCM Act s 217A(3).

CHAPTER NINE

Recommendations

[173] The Commission recommends that:

- a) The current search and screening procedures used on entry to prisons be reviewed to assess compliance and measure effectiveness of those systems, policies and procedures in preventing the entry of drugs into the prison environment.
- b) Officers receive better education and training about the illegality of steroids and their deleterious effects on the body.
- c) DoJ's drug testing regime be reviewed and its effectiveness in deterring drug use in prisons and amongst prison staff be measured.
- d) Periodic professional review of frontline prison staff be provided to identify vulnerabilities with a view to providing support and managing risk.
- e) Processes for identifying common themes within security reports about a particular officer be reviewed to:
 - i. identify potential at risk behaviors;
 - ii. allow for early intervention; and
 - iii. deter corrupt or improper activity.

[174] The Commission proposes to report on the implementation of these recommendations in one year.

[175] In its response to the Commission's draft report, the DoJ stated 'while the report deals with conduct at a prison run by a contractor (Serco Group plc), the recommendations in the report are of general application to the entire custodial estate. The Department therefore accepts the report and recommendations'.⁷³

[176] In response to the Commission's recommendations, the DoJ stated they were reviewing their management of investigations, misconduct and intelligence. The DoJ also provided the following information:

... the Department has implemented more stringent search and screening measures in all prisons ... a proactive intelligence-led investigations process aimed

⁷³ Letter from Dr Adam Tomison, Director General, DoJ to Commissioner, 7 June 2018, p 1.

at targeting contraband into prisons and includes focused and targeted drug testing.⁷⁴

[177] In its response to the Commission's draft report, Serco stated:

We recognise that there is always more that can be done. We are committed to continuous improvement and we are grateful to the Commission for its recommendations, which we are already taking action on. To date, our actions in relation to the recommendations are as follows:

- a. The search and screening procedures used on entry, compliance and effectiveness of systems, policies and procedures in preventing entry of drugs into the prison environment have been reviewed and this has been communicated to the Commission through our dialogue;*
- b. Provision of education and training on the illegality of steroids and their deleterious effect on the body is in preparation by the Head of Healthcare;*
- c. We will cooperate and conform with the Department of Justice's review of the drug testing regime and measurement of effectiveness in deterring drug use in prisons and amongst prison staff;*
- d. In respect of the Commission's recommendation to provide periodic professional review of frontline prison staff, this is in place through our professional standards overview and through Serco's policy of conducting annual police checks; and*
- e. We have reviewed processes for identifying common themes within security reports.⁷⁵*

⁷⁴ Letter from Dr Adam Tomison, Director General, DoJ to Commissioner, 7 June 2018, p 2.

⁷⁵ Letter from Mr Heath Chapple, Managing Director, Justice & Immigration, Serco Asia Pacific to Commissioner, 6 June 2018, p 4.