

MIN:2019/000011-53


**Portfolio/s:** Corrections and Justice Health**ISSUE:       MAKESHIFT WEAPONS, OVERCROWDING, COMMUNITY AND  
PUBLIC SECTOR UNION AND ENTERPRISE AGREEMENT****Talking points:**

- On 15 February 2019, the Canberra Times reported that the rising numbers of makeshift weapons at the Alexander Maconochie Centre (AMC) and the constant accommodation pressures experienced at the AMC places corrections officers at risk.
- ACT Corrective Services (ACTCS) strives to maintain correctional facilities where detainee and staff safety is paramount; detainees are treated with respect and dignity; and human rights are maintained at all times. However, within all correctional centres there remains risk for conflict amongst detainees.

**Security measures**

- In order to manage this risk, ACTCS has bolstered its security operations and is constantly evolving its security practices to align with international best practice in corrections management.
- ACTCS employs a range of physical and static security measures to prevent the introduction of contraband into the AMC. This includes physical barriers, closed circuit television surveillance, intelligence led interventions, patrols by Corrections Officers and Passive Alert Detector (PAD) dog searches.
- In 2018, the ACT Government committed \$8.8 million over three-and-a-half years to improve security issues at the AMC, following a number of reviews. These funds have supported the development of a new centralised intelligence unit within ACTCS, and places a greater focus on intelligence to allow ACTCS to work more efficiently to address evolving and emerging security issues affecting detainees within the AMC, and the broader ACT community.
- These security measures have come on top of investment in CCTV, including the installation of additional CCTV cameras and the improvement to the quality of images provided by the CCTV system.

Cleared as complete and accurate: 10/05/2019  
Cleared by: Deputy Director-General  
Contact Officer name: Sch 2, s2.2(a)(ii)  
Lead Directorate: Justice and Community  
Safety  
Cleared for release: Yes  
Information Officer name: Jon Peach  
TRIM Ref: MIN:2019/000011-053

Ext: 50567  


CCTV is an important evidentiary tool to support successful investigation of assaults in the AMC so that offenders can be held accountable. The improved quality of the images captured by the CCTV cameras has assisted ACT Policing with investigation of assaults and incidents at the AMC.


#### Accommodation pressures

- As with most jurisdictions in Australia, the ACT has experienced a continued upward trend in detainee numbers, resulting in accommodation pressures at the AMC. The most recent measures taken to rectify the situation have been adding further accommodation buildings (the Accommodation Unit and Special Care Centre – both opened in August 2016) and relocating the women to the former Special Care Centre in November 2017.
- The ACT Government is developing a whole of government response to address and reverse the rising number of people detained at the AMC. This strategy aims to strengthen service responses for key groups of detainees in order to reduce the time a person is detained in custody.
- A feasibility study for the future expansion of the AMC was funded by Government in the 2017-18 mid-year budget [for more information Refer to **QTB – Accommodation Pressures**]

#### Access to cutting and stabbing weapons

- As with any security or safety compromise, incidents of cutting weapons being found and/or used in violent incidents in the AMC are of concern. The ongoing challenge within the AMC is consistent with all other jurisdictions in that weapons are easily created by detainees and high staff vigilance is required. It is noted however, that, contrary to the assertions by the CPSU there has not been a significant increase in the number of reported incidents related to either finds of 'cutting weapons' or their use, the last two years are relatively consistent.

Cleared as complete and accurate: 10/05/2019  
Cleared by: Deputy Director-General  
Contact Officer name: Sch 2, s2.2(a)(ii)  
Lead Directorate: Justice and Community  
Safety  
Cleared for release: Yes  
Information Officer name: Jon Peach  
TRIM Ref: MIN:2019/000011-053

Ext: 50567  


- In the 12 months period from 1 April 2018 – 31 March 2019, there was an increase of six cutting and stabbing weapons found at the AMC compared with the same period in the previous years (1 April 2017 – 31 March 2018). Contrary to how this was reported in the Canberra Times, this represents a slight increase of only an additional weapon every two months on average. In addition, the number of cutting and stabbing weapons found per month varies on a month-to-month basis.

#### Violent Incidents where weapons were used

- In the 12 months period from 1 April 2018 – 31 March 2019, the number of violent incidents where cutting and stabbing weapons were used increased by three, compared with the same period in previous years (1 April 2017 – 31 March 2018). This represents an increase of one additional incident every 4 months on average. In addition, the number of violent incidents involving such weapons varies month-to-month.
- The Community and Public Sector Union (CPSU) is working with ACTCS Senior Management to ensure effective safety and security practices to minimise the risk of weapons being created and used within the AMC.

#### Detainee Disciplinary system

- Detainees in the custody of ACTCS are subject to the disciplinary process set out in the *Corrections Management Act 2007*, from the time they enter custody, until they are lawfully discharged from custody.
- The detainee disciplinary process aims to achieve detainee compliance with legislated requirements, correctional centre rules and acceptable detainee behaviour. Such compliance is essential in providing a safe and secure environment for detainees, staff and visitors to the AMC.
- Discipline procedures within the AMC have been in place since its opening and are entirely consistent with the *Corrections Management Act 2007*. It is acknowledged that there is a degree of inconsistency in the application of disciplinary proceedings, and as part of the wider ACTCS reform project and current review of all policies and procedures, the discipline policy is currently undergoing significant review to

Cleared as complete and accurate: 10/05/2019  
Cleared by: Deputy Director-General  
Contact Officer name: Sch 2, s2.2(a)(ii)  
Lead Directorate: Justice and Community  
Safety  
Cleared for release: Yes  
Information Officer name: Jon Peach  
TRIM Ref: MIN:2019/000011-053

Ext: 50567

enhance consistency and ensure that detainees are managed fairly and appropriately.

- Since the relocation of the female detainees from the Management Unit in November 2017, the AMC has once again had the option to hold detainees within accommodation specific for the purpose of managing refractory detainees. The decision to segregate detainees, or place detainees on separate confinement is open to senior staff within the AMC and is currently used appropriately where necessary. Such a decision must consider a range of factors, including the impact that such confinement can have on a detainee's mental health as recognised across all Corrections jurisdictions worldwide.
- Between 1 January 2018 and 31 January 2019, there were 240 instances where 152 detainees were held in the Management Unit. This number includes detainees who were placed in the Management Unit under investigative segregation, for the safety and security of the AMC or a detainee, and for medical or disciplinary reasons. Of those 240 instances:
  - a. 121 were for less than one week and 72 for over one week, but less than two weeks; and
  - b. 47 were for two consecutive weeks or more

#### AMC Staffing

- The ratio of detainees to Custodial Officer (CO) Grade 1 ration has remained relatively consistent from 2013-14 to 2018-19, ie staffing levels have increased proportionately to detainee numbers
- On 9 April 2019, staff shortages related to 14 COs accessing unscheduled leave, it is incorrect to relate this to being insufficient staffing levels. Reasons for unplanned leave by COs is variable and include factors such as illness and carers leave. Such leave can also be seasonal due to the close working proximity of staff and detainees when viruses such as the flu are prevalent.

Cleared as complete and accurate: 10/05/2019  
Cleared by: Deputy Director-General  
Contact Officer name: Sch 2, s2.2(a)(ii)  
Lead Directorate: Justice and Community  
Safety  
Cleared for release: Yes  
Information Officer name: Jon Peach  
TRIM Ref: MIN:2019/000011-053

Ext: 50567

- Unforeseeable / unplanned events such as hospital watches can also impact on day to day staffing levels. In recent months, several detainees have required 24/7 supervision for extended periods whilst in hospital in NSW and the ACT
- In 2018, ACTCS commenced a review of the existing rostering arrangements for custodial staff at the AMC in order to ensure the current custodial posts and their associated start and finish times meet operational requirements. The review also seeks to ensure a better distribution throughout the week of relief 'lines' to cover for annual leave, unplanned leave and training requirements for staff.

#### Enterprise Agreement and exclusion of emergency duty payments

- Contrary to what was reported in the Canberra Times on 15 April 2019, there is no desire to exclude emergency duty payments from the new enterprise agreement. ACTCS is clear in its understanding of the Enterprise Agreement (EA) and there are clear provisions for the payment of emergency duties. The CPSU is currently disputing outside of the EA an interpretation related to the payment of general overtime which is not an emergency either under the EA or the *Corrections Management Act 2007*. This does not form part of the EA discussions.
- ACTCS are extremely keen to conclude the current EA and have been waiting for the CPSU to engage with their members around specific clauses to progress discussions.

#### Pressure to downgrade violent incidents so they are not investigated

- ACTCS has very clear instructions on incident reporting as outlined in the *Corrections Management (Incident Reporting, Notifications and Debriefs) Policy 2018 (No 2)\** - Notifiable instrument NI2018-458. Notifications are required for all incidents as outlined and are expected to be reported in line with this.

Cleared as complete and accurate: 10/05/2019  
Cleared by: Deputy Director-General  
Contact Officer name: Sch 2, s2.2(a)(ii)  
Lead Directorate: Justice and Community  
Safety  
Cleared for release: Yes  
Information Officer name: Jon Peach  
TRIM Ref: MIN:2019/000011-053

Ext: 50567