

2024

**THE LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY**

**REPORT OF A REVIEW OF A CRITICAL INCIDENT BY THE ACT INSPECTOR OF
CORRECTIONAL SERVICES – AN ALLEGED SEXUAL ASSAULT OF A DETAINED
PERSON AT THE ALEXANDER MACONOCHIE CENTRE
GOVERNMENT RESPONSE**

**Presented by
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INTRODUCTION

The ACT Government welcomes the report from the Inspector of Correctional Services ('the Inspector') titled *Report of a Review of a critical incident by the ACT Inspector of Correctional Services – An Alleged Sexual Assault of a Detained Person at the Alexander Maconochie Centre* ('the Report'), tabled in the ACT Legislative Assembly on 30 November 2023.

The Report makes five recommendations. The ACT Government has carefully considered all recommendations and:

- Agreed to four recommendations (namely: 1, 2, 4, 5); and
- Agreed in principle to one recommendation (namely: 3).

A table summarising the ACT Government response to recommendations made by the Inspector and proposed actions and timeframes for completion to each of the recommendations can be found at [Annexure 1](#).

GOVERNMENT RESPONSE

The Report describes an allegation by a detainee at the Alexander Maconochie Centre (AMC) that they were sexually assaulted by another detainee in early 2023. The report concludes that while ACT Corrective Services (ACTCS) Corrections Officers (CO) responded appropriately to the allegation, there were areas for improvement. Improvements proposed focus on the handling of potential evidence in accordance with ACTCS policies and procedures and addressing gaps in policy guidance for Canberra Health Services (CH) clinical teams at the AMC in responding to reports of sexual assault, particularly in a correctional setting.

The Report made a total of five recommendations and ACTCS have progressed all agreed recommendations in the report. The following summarises progress to date.

ACTCS agrees to recommendation 1 to improve the data collection of reported sexual assaults. ACTCS will incorporate a review of data and reporting into the current work towards recommendation 7 of the *Healthy Prison Review 2022* (HPR22) where the consideration of improvements to policy, training, and general approach in relation to sexual coercion and violence in the AMC is ongoing.

ACTCS agrees to recommendation 2 to provide routine refresher training to all custodial staff on crime scene and evidence preservation. ACTCS are undertaking work to align current training in this space to the national unit of competency to be awarded to staff who gain their certificate IV in Correctional Practice.

ACTCS agrees in principle to recommendation 3 to install enhanced security systems in the AMC as a protective measure and potential source of evidence. ACTCS are seeking an external consultant to review the Electronic Security System of the AMC, Court Transport Unit and Community Operations environments to ensure any safety and security concerns are identified and appropriately addressed.

ACTCS agrees to recommendation 4 to report publicly on the Government Response to recommendation 7 of the HPR22. ACTCS continue to work towards completing the work outlined in recommendation 7 of the HPR22 and will provide a public update on this progress as a part of tabling this Government Response.

Canberra Health Services (CHS) agrees to recommendation 5 to review the approach to responding to allegations of sexual coercion and violence in custodial settings. Justice Health Services (JHS) completed a review of their approach to responding to sexual assault allegations resulting in updates to their Operational Guide and incorporation of responding to sexual assault allegations in their mandatory training program.

It is noted that the implementation of the recommendations of the Government Response aligns with existing ACT Government commitments to address whole-of-system responses to sexual assault and sexual violence, including commitments in response to the *'Listen. Take action to prevent, believe and heal'* report (SAPR Report) released in December 2021.

Recommendations within the SAPR Report relate to the improvement of data collection to inform responses to sexual violence, the review of internal procedures to ensure compliance with obligations to victim-survivors and the ongoing education of all stakeholders in the criminal justice system who work with victim-survivors to increase understanding of the nature and extent of sexual violence.

Conclusion

ACTCS and JHS welcome this opportunity to respond to the Report and outline how the work they are currently prioritising is fulfilling their commitment to continuous improvement. ACTCS and JHS are confident that the issues identified in this Report have either already been addressed or are currently being completed.

Annexure 1

ACT Government Response to Recommendations

Recommendation	Government Response	Implementation timeframe
<p>Recommendation 1:</p> <p>That ACT Corrective Services improve its collection of reported sexual assaults including disaggregating this data from other assaults.</p>	<p>Agreed</p> <p>The Government acknowledges the importance of improving data collection and reporting for reported sexual assaults and that gaining a better understanding of the prevalence and incidence of alleged sexual assaults is key to informing both prevention and response strategies.</p> <p>Work to address this recommendation will be considered as a part of responding to <i>Healthy Prison Review 2022</i> (HPR22) recommendation 7, which relates to ACTCS consulting with key stakeholders to develop a strategy to prevent, track and respond to incidents of sexual coercion and violence in the Alexander Maconochie Centre. This work is currently in progress and includes a review of current policies and operational procedures around recording serious assault incidents with a view to improving how this information is captured in ACTCS' electronic detainee information management system.</p>	<p>30 June 2024</p>
<p>Recommendation 2:</p> <p>That ACT Corrective Services provide refresher training to all custodial staff on Crime Scene and Evidence Preservation and that this form part of the routine training schedule.</p>	<p>Agreed</p> <p>The Government accepts that ACTCS' evidence management could be improved.</p> <p>As noted in the Report, OICS previously raised concerns regarding evidence management in a 2021 Critical Incident Review. In response, refresher training on crime scene and evidence management was provided to staff. ACTCS notified their updated <i>Crime Scene Management Operating Procedure</i> and <i>Evidence Management Operating Procedure</i> on 23 December 2022.</p> <p>ACTCS is undertaking work to align its current training in crime scenes and evidence collection to the national unit of competency, to be awarded to staff undertaking development opportunities to gain their certificate IV in Correctional Practice.</p> <p>Further, additional training time is being considered as part of the Blueprint for Change Program – AMC Roster Review which will support refresher training for all custodial staff.</p>	<p>30 June 2026</p>

Recommendation	Government Response	Implementation timeframe
<p>Recommendation 3:</p> <p>That ACT Corrective Services install enhanced security systems, such as CCTV cameras, in communal areas of the Alexander Maconochie Centre cottages not presently subject to CCTV coverage (including cottage entry doors and cell doors) as a protective measure and as a potential source of evidence.</p>	<p>Agreed in Principle</p> <p>In FY2022/23, ACTCS commenced planning to conduct a full security review to support the development of a current and future state technology roadmap. This has developed into ACTCS seeking to engage a suitably qualified consultant to perform a full Electronic Security System (ESS) review of the Alexander Maconochie Centre (AMC), the Court Transport Unit (CTU) and Community Operations. This review will consider the need to upgrade CCTV capabilities at the AMC including functionality, monitoring and footage retention for use as evidence. The project consists of three stages, noting implementation of ESS review recommendations (Stages 2 and 3) is subject to future funding outcomes:</p> <ul style="list-style-type: none"> • Stage 1: AMC ESS Review. • Stage 2: ESS Support and Maintenance Tender. • Stage 3: ESS Support and Maintenance Implementation. <p>It should be noted that increasing CCTV coverage is likely to have human rights implications which will need consideration and is unlikely, in and of itself, to have prevented the incident in question.</p>	<p>31 December 2025</p>
<p>Recommendation 4:</p> <p>That ACT Corrective Services report publicly on outcomes arising from its commitment made in the Government Response to Recommendation 7 of the Healthy Prison Review of the Alexander Maconochie Centre 2022, by its deadline of 31 December 2023.</p>	<p>Agreed</p> <p>ACTCS is progressing recommendation 7 of the <i>Healthy Prison Review 2022</i> (HPR22) however did not complete the work by the originally planned date of 31 December 2023. The Government will provide an update on the progress of this recommendation as part of the Tabling Statement to this Government Response in the ACT Legislative Assembly, thus making it public.</p> <p>ACTCS is aiming to complete recommendation 7 of HPR22, including relevant actions from this CIR, by 30 June 2024.</p>	<p>30 June 2024</p>
<p>Recommendation 5:</p> <p>That Canberra Health Services review their approach to responding to allegations of sexual coercion and violence in custodial</p>	<p>Agreed</p> <p>The Government acknowledges the importance of establishing robust guidelines for staff in responding to allegations of sexual coercion and violence in custodial settings.</p>	<p>Complete</p>

Recommendation	Government Response	Implementation timeframe
<p>settings and report publicly on the outcome by 31 December 2023.</p>	<p>Justice Health Services (JHS) has reviewed its approach to responding to sexual assault allegations and while there were no substantive systemic or procedural issues identified in this case, JHS have updated their Operational Guide to include actions for staff on how to respond to sexual assault allegations and escalation pathways for reporting any such allegations. JHS have also incorporated responding to sexual assault allegations as a routine element of their mandatory training program.</p> <p>ACTCS and JHS may collaborate (where appropriate) on identified opportunities which arise out of the work completed by ACTCS in relation to reporting and procedures in response to the recommendations.</p> <p>The Government will provide an update on the progress of this recommendation when this Government Response is tabled in the ACT Legislative Assembly.</p>	