

## Executive Summary

On 8 November 2016 a young offender escaped from the Malmsbury Senior Youth Justice Centre at the Malmsbury Youth Justice Precinct (MYJP) and was driven away from the precinct by an accomplice. On 25 January 2017, 20 young offenders escaped from the Malmsbury Secure Youth Justice Centre, and the Senior facility at the MYJP, 13 of whom escaped in a vehicle stolen at the Precinct.

The Department of Health and Human Services (DHHS) engaged consultant Neil Comrie AO APM, assisted by Brian Hine as independent reviewers to report to the department on:

- The circumstances leading up to the incidents on 8 November 2016 and 25 January 2017; the extent of compliance with operating procedures and guidelines leading up to, during and after the incidents and the department's response to the incident; and
- In considering the above, the appropriateness of current assessment and classification systems; the use and application of intelligence information; and any other matters (including infrastructure/security imperatives) relating to the purpose of, and operating model for, MYJP (including both the Secure and Senior sites).

The Malmsbury Senior Youth Justice Centre is a low security, open setting for young offenders between 18 and 23 years of age. This "dual track" service, unique in Australia, was established in 1965. Historically, escapes from Malmsbury are uncommon. Data provided by the DHHS to this review identified just eight escapes from Malmsbury since 1991 (prior to the escapes that are the subject of these reviews), with the most recent escape prior to those that are the subject of this review occurring in 2014.

The young offender who escaped on 8 November 2016 was aged 20 years and 10 months and had several placements at Malmsbury commencing in 2015. No evidence was discovered of any history of risk, likelihood or intention of escape during previous admissions. However, the age and recent criminal history of the escapee indicated that he would have been more appropriately accommodated in an adult prison. This however is a matter for the relevant court to determine. The escapee was in such extremely poor physical health at the time of his admission on 7 September 2016 that he required accommodation with disabled (wheelchair) access. The only such room at Malmsbury was in the open, low security Campaspe Unit, which is where he was placed. Risk assessment plans were completed as required.

The immediate response to the escape by staff members was consistent with Youth Justice Custodial Services Practice Manual procedures. In particular, a staff member who happened to be leaving the Precinct at the time of the escape was diligent in being able to provide important and timely information to senior management and Victoria Police regarding the escape.

No evidence has been identified by this review of any breach of, or noncompliance with, any of the relevant Manual procedures by any staff leading up to or during the single client escape on 8 November 2016.

At 2.15 pm on Wednesday 25 January 2017 in Monash Unit of the Secure facility at the MYJP four young offenders assaulted a staff member and stole his keys. These offenders then released offenders from other accommodation units and ultimately 18 young offenders were able to breach both the internal and the external sally port roller doors to escape the Secure facility and spread out across the Secure centre carpark, attempting to obtain a vehicle to escape the Precinct.

Some of these young offenders attempted to enter Campaspe Unit (of the adjoining senior facility) and four offenders climbed onto its roof to be joined later by others. A young offender broke the south wing window of the Admissions Unit (Senior facility) and about ten offenders congregated around the outside of the smashed Admissions Unit window attempting to break in. At this time there were approximately ten Admissions Unit young offenders crowding around the inside of the smashed window attempting to break out.

Two Admissions Unit staff members placed themselves between these two groups of young offenders in an attempt to prevent escapes. These two officers, at great physical risk to themselves, grappled with this large group of about 20 aggressive young offenders for several minutes. Despite their very best efforts, three Admission Unit offenders, assisted by offenders outside the unit, were able to push their way out of the window.

The offenders gained access to a Ford Ranger twin cab utility and 13 offenders left the precinct in a southerly direction along the Calder Highway.

At 4.05pm control of the site was officially handed over to Victoria Police and by 6.31 pm all remaining young offenders at the Secure facility had surrendered and been secured in custody.

In summary, 20 young offenders escaped custody during this incident. Five of whom remained within the MYJP, 13 escaped via a stolen vehicle and two who had escaped on foot were captured shortly thereafter and returned immediately to the Precinct. All escapees were arrested by Victoria Police by 27 January 2017 and have been returned to custody. At the time of completing this review report, Victoria Police had charged 27 young offenders with a broad range of offences relating to this incident.

No evidence of any serious breach of policy or procedures by any staff at the MYJP have been identified by the Reviewers regarding the escape of 25 January 2017. There is evidence of outstanding courage and commitment by two staff members in preventing the escape of offenders from the Admissions Unit of the Senior facility. This outstanding conduct is worthy of commendation and is the subject of a recommendation to that effect.

The evidence examined during these reviews has revealed a number of contributing factors to these escapes;

- security issues regarding access to keys by young offenders, infrastructure failures, the availability of items that can readily be used as makeshift weapons and the unrestricted access of vehicles to the MYJP.
- lack of capability and capacity of the Security and Emergency Response Team (SERT) to effectively intervene in escapes and the related lack of an effective intelligence system within the MYJP and the broader youth justice system.
- co-location of a significant number of high risk violent young offenders and offenders with different security risk profiles in accommodation that is unsuited for that purpose.
- lack of flexibility within the youth justice system with regard to accommodation options for young offenders with special needs.
- legislation that results in some offenders being inappropriately accommodated in the youth justice system.
- issues with regard to the numbers of staff rostered on duty, staff training and equipment and the related practice of rotational lock-downs that resulted in a heightened sense of agitation amongst young offenders.
- the isolated location of the MYJP, especially from a police emergency response perspective.

Some of the aforementioned issues have previously been addressed in reports by the Reviewers (particularly the Review of the Parkville Youth Justice Precinct - Stage One and Two reports)

resulting in a series of recommendations that have already been accepted by the Victorian Government and are in the process of being implemented.

The Reviewers are aware that the sally port doors at the Secure facility have been replaced and strengthened and that measures are being taken to address staffing and infrastructure shortcomings that contributed to the events of 25 January 2017. It is also acknowledged that Victoria Police and the Department of Justice and Regulation are currently working on revised emergency management arrangements (entitled the State Correctional Emergency Response Plan (SCERP)) that will include youth justice facilities. The Reviewers have also been advised that the Youth Justice Director, Custodial Services is leading a program of work to develop an emergency management framework. The framework will include strengthened procedures and capability building to support incident responses, emergency response and evacuation processes.

The Reviewers are also aware that a new tactical operations training model has now commenced implementation with the SERT staff and will be provided to all custodial staff over time to enhance the security capability and capacity at the youth justice centres.

The escapes of 8 November 2016 and 25 January 2017 are, in the opinion of the Reviewers, a consequence of a youth justice system that was unable to cope with the influx of a significant number of violent young offenders determined to test the system at all levels.

In the report of the Review of the Parkville Youth Justice Precinct – Stage Two, the following comments were made by the Reviewer:

*It is clear that a defining point has been reached in the long history of youth justice in Victoria. Infrastructure, policy and systems that were designed and built for a different era have proven to be incapable of delivering a safe and secure youth justice system in 2016/17 that facilitates the rehabilitation of young offenders and their positive reintegration into the community. The incidents ..... confirm that the arrangements in place in Victoria at that time for youth justice are not sustainable and are in need of major reform.*

*The announcements of 6 February 2017 by the Government are a major step in this reform program. The transfer of responsibility for youth justice from DHHS to the DJR as of 3 April 2017 and access to that department's expertise in custodial safety and security should, over time, address the serious safety and security issues that currently exist in the youth justice system. Further, the commitment by the Government to build a new fit-for-purpose high security youth justice centre should address the serious infrastructure weaknesses ..... However, it is imperative that a broader infrastructure management plan is also developed to ensure that each youth justice facility is seen as a component of a cohesive system.*

The Reviewers reiterate these comments following these reviews of the MYJP escapes of 8 November 2016 and 25 January 2017. The Reviewers have recommended that when practicable no high security risk offenders be held at the MYJP and that it revert to its original purpose of accommodation for minimum to medium security offenders. Acceptance of this recommendation will allow for the effective delivery of the dual track system for the management of appropriately selected sentenced young offenders to facilitate their rehabilitation and reintegration into the community.

## ***Summary of Recommendations from the Review of an Escape from the Malmsbury Senior Youth Justice Centre on 8 November 2016***

### **Recommendation 1**

That DHHS formally remind all youth justice staff of the importance of conducting operational debriefs following all Category One or Category Two incidents that require a debrief, as stipulated under the Youth Justice Custodial Practice Manual, Operational Safety Procedures, Operational Debriefing section.

### **Recommendation 2**

That DHHS propose amendments to Section 333 of *the Criminal Procedure Act 2009* and Section 5A of *the Bail Act 1977* that would require the court to consider a report assessing the suitability of any young person for return to a Youth Justice Centre, consistent with the pre-sentence report requirements under Section 32 of *the Sentencing Act 1991*.

### **Recommendation 3**

That DHHS investigate options to ensure that only authorised vehicles are allowed entry to the MYJP.

### **Recommendation 4**

That DHHS ensure that there is at least one disability accessible room in each group of residential units classified as open low security and medium security.

### **Recommendation 5**

That DHHS review and update the Classification and Program Risk Tool policy.

### **Recommendation 6**

That DHHS review the multi-client use of the MYJP with a view to achieving complete separation of the youth and adult populations.

## ***Summary of Recommendations and Findings from the Review of an Escape at Malmsbury Secure Youth Justice Centre on 25 January 2017***

### **Recommendation 1**

That consideration be given to formal commendation of the acting General Manager and acting Supervisor for the courage and commitment they demonstrated on 25 January 2017 by placing themselves at significant physical risk to prevent the escape of several offenders from the Admissions Unit of the Malmsbury Senior Youth Justice Centre.

### **Recommendation 2**

That an effective assessment and classification system is introduced into youth justice services to accommodate the design imperatives detailed in the report of the Review of the Parkville Youth Justice Precinct (Stage One).

### **Recommendation 3**

That all security arrangements at the MYJP, including the availability and use of keys, are reviewed to ensure that:

- young offenders cannot readily access keys; and
- appropriate measures are taken to prevent young offenders from using keys or security passes to gain widespread access to units within the Precinct.

### **Recommendation 4**

High security risk young offenders are accommodated in units matching their security risk as per the custodial facilities master plan.

### **Recommendation 5**

Once opened, the new facility at Cherry Creek accommodate high security young offenders and the MYJP accommodate minimum and medium risk young offenders.

### **Recommendation 6**

That the Senior site of the MYJP be only utilised to accommodate sentenced adult young offenders who are classified as minimum security and are managed within the dual track system.

### **Recommendation 7**

That staffing levels at the MYJP are of sufficient numbers to reduce the need for lock-downs.

### **Recommendation 8**

That the government's current youth justice reforms consider the need to facilitate the effective placement of offenders within the youth justice system, taking into account the needs of the young person and the need to ensure the safety and security of the centre as a whole and resolve:

- the lack of clarity around police powers to arrest within Youth Justice Centres; and
- a Court's power to return a detainee aged 18 or over to a youth justice centre following such an arrest.

### ***Summary of Findings***

1. Infrastructure failure involving the sally port roller doors at the Secure facility were a significant factor in the escape of young offenders from that facility on 25 January 2017.
2. The sally port roller doors at the Secure facility have now been replaced with reinforced and reengineered doors.
3. Current youth justice SERT capacity and capability are insufficient to respond adequately to large scale incidents in custodial settings.
4. That the transfer of youth justice services from DHHS to DJR involves a comprehensive review of training and equipment for SERT staff via a train-the-trainer model with the Corrections Victoria SESG.
5. The roll out of tactical options training has now commenced and will increase capacity and capability across the youth justice custodial services over time.