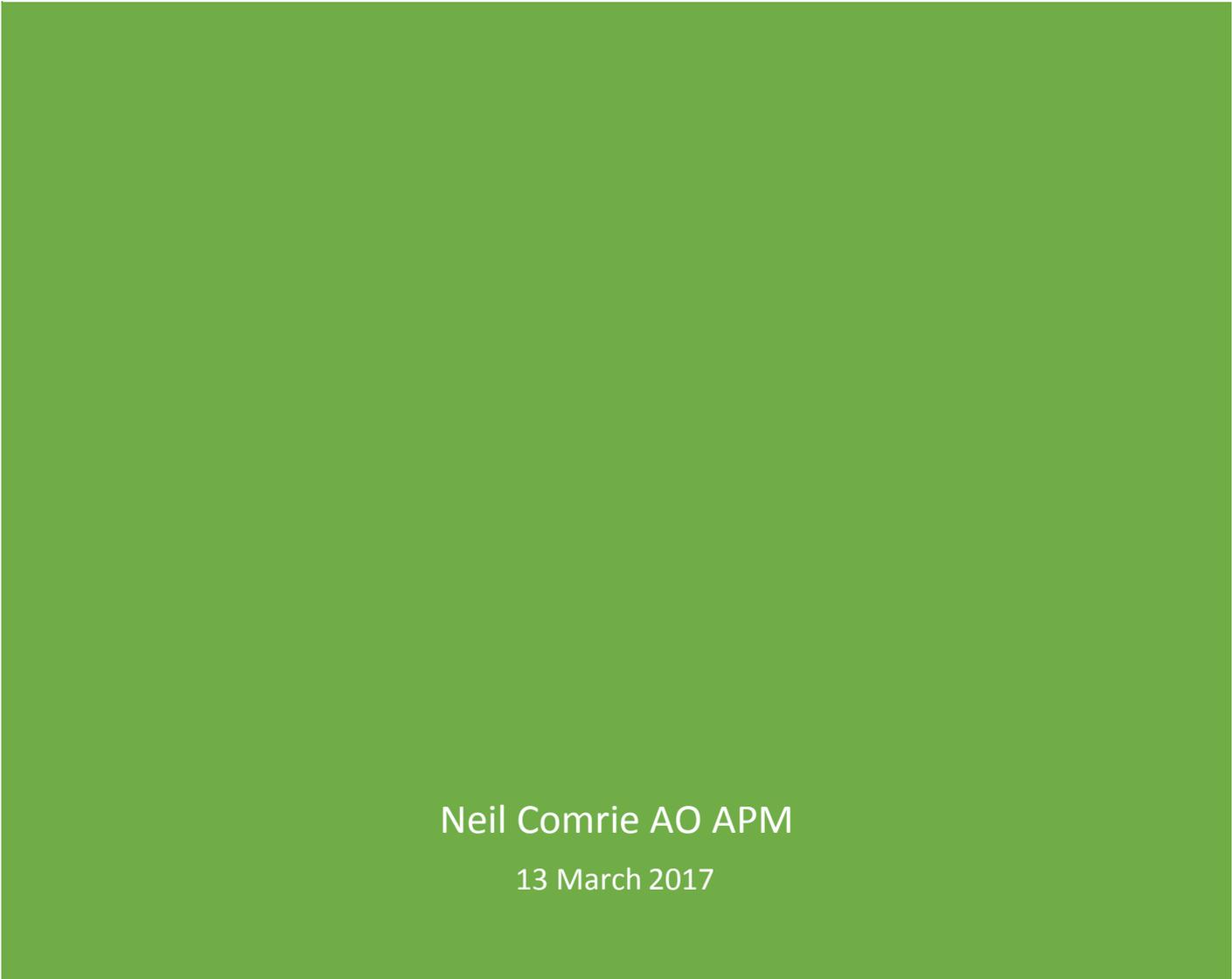




# REVIEW OF THE PARKVILLE YOUTH JUSTICE PRECINCT (STAGE TWO)

Neil Comrie AO APM

13 March 2017



## Executive summary

On Saturday 12 to Monday 14 November 2016, a number of serious incidents occurred at the Parkville Youth Justice Precinct (PYJP). These incidents involved riotous behaviour by young offenders in the Melbourne Youth Justice Centre (MYJC) Southbank, Westgate, Oakview and Eastern Hill units and resulted in major damage being caused to the infrastructure of these units as well as the programs and education centre. This damage was so extensive as to render the MYJC (part of the PYJP) as uninhabitable with the loss of 60 beds in the youth justice system.

Victoria Police (VicPol) attended the PYJP on two occasions over this weekend under the pre-determined protocol arrangements between the Department of Health and Human Services (DHHS) and VicPol code-named Operation Pearl.

On 12 November at about 5.50 pm, an assault on a staff member by a young offender in the Southbank unit and a subsequent decision to lockdown all units precipitated a serious outbreak of violent and destructive behaviour by other young offenders in that unit and at the Westgate unit. Infrastructure weaknesses (previously detailed in the Stage One report of this Review) at the PYJP were exploited by these young offenders who were able to gain access to the roof space, break out of the Westgate unit and also damage the programs and education centre. This major incident was finally resolved at about 1 am on 13 November when VicPol handed control of the PYJP back to DHHS.

On 13 November, at 6.15 pm three young offenders in the Eastern Hill unit gained access to the roof space. One fell through the roof back into the unit and was restrained by staff while the other two young offenders gained access to the gable roof. At about 7.45 pm, these two young offenders surrendered to staff. VicPol was not called to this incident.

At about midnight on 13 November, two young offenders accessed the roof cavity at the Oakview unit whereupon they set about damaging the ceiling and causing the release of other young offenders from their rooms. About eight of these young offenders breached the external structures of the unit and threatened staff with makeshift weapons. These young offenders then breached the Southbank and Eastern Hill units as well as the programs and education centre. Bedrooms in the other units were breached enabling further young offenders to exit their unit and disperse across the secure site hampering their apprehension by Police. Collectively, 28 young offenders from four units engaged in extensive property damage and riotous behaviour. The incident was finally brought to an end at 6.30 pm after lasting for about 18 and a half hours.

This Review of the incidents at the PYJP on 12 to 14 November 2016 provides a further opportunity to reflect on previous incidents at both the Malmsbury YJP and the PYJP. Some common themes emerge from these reviews;

- As discussed in the Stage One report, an increased number of young persons are committing serious criminal offences, often involving violence. These offenders are finding their way through the criminal justice system into the youth justice system where they are regularly challenging this system in a number of ways.
- Many of the young offenders now entering the youth justice system have no respect for authority of any kind and regularly challenge and refuse to comply with instructions from youth justice staff.
- The management of those on remand presents Youth Justice services with additional challenges as these young offenders are often unsettled and uncertain about what their future is in the youth justice system. Approximately 80 per cent of young offenders in the

PYJP may now be on remand at any given time, a significant increase on what was the case historically. In fact, it is the inverse of the historical 20 per cent / 80 per cent ratio of those on remand compared to sentenced young offenders.

- Youth justice staff in some instances are either unable or unwilling to intervene early in disturbances or violence by young offenders and appear to lack the confidence to do so because:
  - They are inadequately trained or equipped to deal with the situation; or
  - While some have a strong commitment to youth work, they are otherwise not suited to operating in a custodial environment where a physical response may be required to deal with an incident. (This statement does not intend to infer that youth justice workers of small stature are not capable of intervening in such situations providing they are properly trained and equipped); or
  - They may be temporary agency staff who have low levels of relevant training and no ongoing investment in the system; or
  - Staff numbers are inadequate to deal with the numbers of young offenders involved; or
  - Infrastructure weaknesses in both design and construction do not support intervention activities by staff; or
  - They are concerned at what they consider to be the intensive level of scrutiny (both internal and external) of their actions and that they may face disciplinary action following the use of restraints.
- Over time, the infrastructure weaknesses, particularly at PYJP have been identified and exploited by young offenders to the point that this conduct has become commonplace rather than the exception.
- The severe limitations of accommodation options within the current youth justice infrastructure often results in an undesirable mix of young offenders in units which can lead to disturbances and incidents of violence and are a significant barrier to the positive progress of individual case management plans.
- A high level of tension prevails within the youth justice precincts, a situation that is counterproductive to the primary objectives of rehabilitation of young offenders and their ultimate positive reintegration into the community. Constant disturbances and related lockdowns seriously interfere with the delivery of programs that are critical to this rehabilitative process.

The decision by the Victorian Government to transfer youth justice services from DHHS to the Department of Justice and Regulation (DoJR) as of 3 April 2017 provides an opportunity for the expertise of this department to inform both a strengthened approach to the safety and security of youth justice facilities and for the selection and training of staff regarding intervention in incidents. This decision also provides the opportunity for a much needed effective intelligence system to be developed within the youth justice framework and for this system to be linked to the existing law enforcement intelligence network in Victoria.

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 the imperative of a safe and secure youth justice system in 2016/17. All other interventions and programs that are critical to the rehabilitation of young offenders are compromised in an environment that is not safe and secure.

It is also very important that an infrastructure development plan is seen as part of a cohesive youth justice system and that infrastructure supports an effective classification system where more specialised and tailored rehabilitation programs can be delivered to young offenders. Each youth justice facility should be seen as one component of a comprehensive custody management strategy that allows for high security, medium security and minimum security classifications and purpose built environments that reflect and complement these classifications.

It is the view of the Reviewer that the incidents of 12 to 14 November 2016 were a consequence of long-standing infrastructure and systemic failures that were exploited by a young offender group that is presenting a new range of serious challenges to the criminal justice system. In these circumstances, it is not appropriate to find individual fault with regard to the incidents of 12 to 14 November 2016, but it is important that the infrastructure weaknesses and systemic faults identified in this report are addressed as a matter of high priority.

Neil Comrie AO APM  
13 March 2017

## Recommendations

1. That necessary action is taken through policy and training revision to ensure that all youth justice staff are enabled to effectively intervene in situations that involve violent or disruptive behaviour by young offenders in youth justice facilities.
2. That a review is undertaken of policy and training of youth justice workers regarding the use of restraints and that the Commissioner for Children and Young People is consulted during this review process.
3. That necessary action is taken to train youth justice staff to isolate as soon as possible any part of a unit or facility in which violent or disruptive behaviour by young offenders is occurring to prevent other young offenders joining and escalating such behaviour.
4. That unit managers undertake regular risk assessments to identify all tools or other implements that can be adapted as weapons and where such items are identified that prompt action is taken to remediate these risks.
5. That youth justice staff advise their supervisors at the earliest possible opportunity of any evidence or indication that young offenders may be planning disruptive behaviour and that supervisors record such advice and communicate this advice as soon as possible to the Operations Manager on duty.
6. That during negotiations with young offenders to resolve incidents of riot or other disturbance that the requirements of the Youth Justice Custodial Services Practice Manual regarding demands made by young offenders be strictly observed and concessions are not made relating to escape or release, transfer, staff dismissal, amnesty from offences committed during riot or serious disturbance, provision of objects which could be used to further the riot or serious disturbance, or the provision of alcohol, drugs, money or access to leave.
7. That all Youth Justice staff be reminded of the importance of reporting security or infrastructure problems as soon as possible.
8. That Youth Justice establish an effective intelligence system and that necessary action be taken to link this intelligence system with existing intelligence systems within the Victorian law enforcement intelligence network.
9. That Youth Justice facilities are staffed by workers who:
  - understand and accept that their primary role is to maintain the safety and security of youth justice facilities, and
  - understand and accept that this obligation may from time to time require them to physically intervene in incidents of violent or disruptive behaviour, and
  - are well trained and equipped with the necessary operational safety and tactical equipment to ensure that they can effectively intervene in incidents of violent or disruptive behaviour.
10. That adequate numbers of highly trained specialist staff (currently known as the SERT) are rostered daily to ensure that an early and effective intervention can be actioned as a high priority to address incidents of violent or disruptive behaviour.
11. That the use of agency staff is minimised as soon as possible.