

**2022**

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

**ACT INSPECTOR OF CORRECTIONAL SERVICES REPORT (CIR 02/21) - REVIEW OF A CRITICAL  
INCIDENT BY THE ACT INSPECTOR OF CORRECTIONAL SERVICES – HOSTAGE TAKING INCIDENT  
AT THE ALEXANDER MACONOCHIE CENTRE ON 27 MARCH 2021 - GOVERNMENT RESPONSE**

**Presented by  
Mick Gentleman MLA  
Minister for Corrections  
May 2022**

**THIS PAGE INTENTIONALLY LEFT BLANK**

## INTRODUCTION

The ACT Government welcomes the report from the Inspector of Correctional Services ('the Inspector') titled *Report of a Review of a critical incident: Hostage taking at the Alexander Maconochie Centre on 27 March 2021* ('the Report'), tabled in the ACT Legislative Assembly on 9 November 2021.

This Report makes three findings and seven recommendations. The ACT Government has carefully considered all recommendations and:

- Agreed to three recommendations (namely: 1, 4 and 7);
- Agreed in Part to two recommendations (namely: 2 and 6); and
- Agreed in Principle to two recommendations (namely: 3 and 5).

While findings are not formally responded to, the ACT Government welcomes the positive finding pertaining to the quick resolution of the incident without physical injury or use of force by Correctional Officers (COs). A table summarising the ACT Government responses 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

This review of a critical incident at the Alexander Maconochie Centre (AMC) was conducted at the Inspector's own initiative.

The Report describes an incident involving a detainee taking another detainee hostage in a cell on the morning of 27 March 2021 in Accommodation Unit – South (AU-S) of the AMC. Overall, the review team found that the *“incident was appropriately managed and was not reasonably foreseeable by ACT Corrective Services”* (ACTCS). The Report further notes that this is the first hostage incident to have occurred at the AMC since operations commenced in 2009. The Report identifies areas where ACTCS can improve its guidance, training and communication to staff to support responses to these types of incidents.

Recommendations 1 to 3 of the Report focus on ACTCS policy and instructions for dealing with hostage incidents. Updates to the *Code Brown (Hostage) Procedure 2014 (No 1)* (RESTRICTED) and the ACTCS Emergency Management Framework 2018 (EMF) (RESTRICTED) are recommended to: 1) reflect current ACTCS positions and titles, 2) provide instruction to staff about when a victim's family must be notified, and 3) require the Incident Controller to seek advice from health services about the provision of essential medications.

ACTCS has commenced a review of its EMF and associated Code procedures to ensure consistency between these documents and to address recommendations from this and other review reports. Updates to date have included removing duplication between documents and updating of position titles, as well as alignment of roles with the *Incident Command and Control System Plus* (ICCS+) model. While it is acknowledged that greater instruction to staff could be beneficial to inform communications with victim's families, the diverse nature of emergencies prevents a prescriptive solution. However, the revised EMF will include improved instruction to inform this decision making. Similarly, while the current EMF allows for medically prescribed drugs to be provided at the discretion of the incident commander, ACTCS acknowledges that more explicit instruction to staff to seek advice from health services is warranted. It is noted that the decision regarding actual provision will remain with the incident commander.

Recommendation 4 of the Report relates to enhancing the skills of senior COs to deal with hostage situations acknowledging that there is no justification for ACTCS to have professionally trained negotiators. ACTCS understands that best practice is that negotiators would not be senior decision makers. Therefore, ACTCS is exploring options for CO1 and CO2 training in first response negotiation skills and delivery will be subject to funding. New tactical leadership training is in development for COs, which will complement existing related training in command and control during incidents.

The Report notes that the weapon used by the detainee during the incident was not photographed by ACTCS prior to being handed over to the police and as a result, information about the weapon was not available to be shared with the ACTCS Intelligence Unit. Recommendation 5 that requires obtaining photographic evidence from ACT Policing prior to evidence destruction is agreed in principle. ACTCS will work with ACT

Policing to determine the best approach, and the relevant policy and procedures will be reviewed and updated. Opportunities to improve procedures have been identified to indicate that photos should be taken if that action does not interfere with the crime scene.

While chemical agents were not deployed in this incident, a trained CO was on standby to deploy a chemical agent (Oleoresin Capsicum (OC) spray) in the event it was necessary and authorised. The Report notes the absence of a notified policy on the use of chemical agents and recommends that ACTCS pause its use until such a policy is in place (Recommendation 6). This recommendation is agreed in part as the *Use of Force and Restraint Policy* provides direction on the use of chemical agents and was in place at the time of the incident. COs qualified to deploy OC spray had received current best practice training on its use, including decontamination. Further, the ability to approve the use of OC spray on a case-by-case basis provides a safer workplace for staff. As such, whilst discontinuation of OC spray is not agreed, ACTCS urgently prioritised the development of the *Use of Chemical Agents Policy* and associated procedures. These were completed and notified on 1 December 2021, which has addressed recommendation 6.

The final recommendation in the Report relates to improving communication during the control of incidents. The Report identifies that messaging during the incident was oral and may be improved by using other mechanisms. ACTCS will explore ways of improving communications as part of the EMF review currently underway.

## **Conclusion**

This Review noted the incident was unforeseeable and well managed by staff that resulted in a safe resolution. This outcome is reflective of efforts to date to improve ACTCS' capability in incident management. However, ACTCS welcomes the learnings and recommendations stemming from this Review and their contribution to the continuous improvement of the care, treatment and safety of all detainees and staff at the AMC.

## Annexure 1

### ACT Government Response to Recommendations

Recommendation	Government Response	Implementation
<b>Recommendation 1</b> That ACT Corrective Services amend the Code Brown (Hostage) Procedure 2014 (No 1) (RESTRICTED) and the ACT Corrective Services Emergency Management Framework 2018 (EMF) to reflect current ACT position titles and responsibilities	<b>Agreed</b> Titles will be updated in the ACT Corrective Services Emergency Management Framework 2018 (EMF) (RESTRICTED) as a part of the current review of this document. The <i>Code Brown (Hostage) Procedure 2014 (No 1)</i> (RESTRICTED) will also be reviewed and updated.	<b>31 May 2022</b>
<b>Recommendation 2</b> That ACT Corrective Services amend the Code Brown (Hostage) Procedure 2014 (No 1) (RESTRICTED) and the ACTCS Emergency Management Framework 2018 (EMF) to provide clear direction to staff as to when a victim's family must be notified of a hostage incident so that a decision is not left to the discretion of an individual officer.	<b>Agreed in Part</b> It is agreed that a decision to notify the family is not left to the discretion of one individual without any guidance. However, as each situation will be different and a degree of discretion will be required by a decisionmaker, the procedure and EMF will not mandate prescriptive details on when this will occur. The documents will be updated with clear direction on the matters to consider and timing of that consideration relevant to notifying a victim's family during a hostage incident.	<b>31 May 2022</b>
<b>Recommendation 3</b> That ACT Corrective Services amend the Code Brown (Hostage) Procedure 2014 (No 1) (RESTRICTED) and the ACTCS Emergency Management Framework 2018 (EMF) to require the Incident Controller to seek clear advice from Justice Health and/or Winnunga about: <ul style="list-style-type: none"> <li>• Whether essential medications need to be provided to the hostage-taker or hostage;</li> <li>• When and how the medications need to be administered; and</li> <li>• The possible consequences of non-medication (e.g. mood swings, anxiety, pain)</li> </ul> If in doubt, health advice should take precedence over the general principal of not acceding to hostage-taker's demands.	<b>Agreed in Principle</b> The documents will be updated to ensure the request for health advice occurs as recommended. However, the decision to actually provide the medication to the detainee will rest with the incident commander and must consider the risk involved in doing so versus not doing so. Health advice should take precedence over acceding to demands as a general rule. However, if the actual provision of the medication creates a significant risk that may endanger the life of a staff member, detainee or member of the public, Corrections and Justice Health / Winnunga will discuss alternative ways to manage health needs within safe boundaries.	<b>31 May 2022</b>

Recommendation	Government Response	Implementation
<p><b>Recommendation 4</b></p> <p>That ACT Corrective Services enhance the skills of senior Corrections Officers to deal with hostage situations.</p>	<p><b>Agreed</b></p> <p>ACTCS is currently exploring options for training in first response negotiation skills and delivery. The training will target Correctional Officers (COs) at Grade 1 and Grade 2 levels as senior decision makers would not be negotiating directly with the hostage taker. Additional support for CO3 and CO4 officers is provided through ICCS+ training. New tactical leadership training is in development.</p>	<p><b>30 November 2022</b></p>
<p><b>Recommendation 5</b></p> <p>That ACT Corrective Services ensure that key exhibits from incidents are photographed and catalogued before being handed over to ACT Policing or if that is not possible, photographs be obtained from ACT Policing before items are disposed of.</p>	<p><b>Agreed in Principle</b></p> <p>ACT Policing and ACTCS will work together to determine the best approach. The relevant policy and procedures will be reviewed and updated accordingly. ACTCS will also consider alternate actions to achieve the objective where required.</p>	<p><b>Policy/ procedure review to be completed by 30 June 2022</b></p>
<p><b>Recommendation 6</b></p> <p>That ACT Corrective Services immediately pause the use of chemical agents until there has been a policy notified on their use, accompanied by a procedure which sets out how chemical agents may be used and matters such as post-incident decontamination</p>	<p><b>Agreed in Part</b></p> <p>At the time of the incident the <i>Use of Force and Restraint Policy</i> provided direction on the use of chemical agents (s. 11).</p> <p>Use of force training is current best practice and the ability to approve use of OC spray on a case-by-case basis provides a safer workplace for staff. As such, discontinuing its use is not agreed.</p> <p>Since the incident, the <i>Use of Chemical Agents Policy</i> and associated procedures (including decontamination) have been completed and implemented.</p>	
<p><b>Recommendation 7</b></p> <p>That ACT Corrective Services explore ways of improving communications between frontline staff and Incident Controllers during serious incidents.</p>	<p><b>Agreed</b></p> <p>This will be considered as part of the Emergency Management Framework update that is currently in progress.</p>	<p><b>31 May 2022</b></p>