

REVIEW INVESTIGATION INTO THE EVENTS OF A BREAK OUT OF ACCOMMODATION AND CONCERTED INDISCIPLINE ON 13 MAY 2020

Executive Summary

On the evening of 13 May 2020 25¹ prisoners² at the Darwin Correctional Centre (DCC) broke out of several accommodation units in Sector 6, an area of the DCC housing ██████████ prisoners. ██████████ the prisoners easily moved through the prison estate, causing widespread damage (estimated at \$20m³) and conducting several “roof ascents”.

On 12 June 2020 the Commissioner Northern Territory Correctional Services issued Dr J R Paget with Terms of Reference (ToR) for an investigation “into the circumstances of the prisoner breakout and subsequent riotous destruction and indiscipline at the Darwin Correctional Precinct (DCP) on the evening of 13 May 2020” and to report on findings and recommendations.

The methodology adopted by the investigation was first, to acknowledge that prisons are not normal environments; even well-managed prisons have a high potential for violence. Second, the investigation examined the factors identified in the research and reports into the not uncommon riots in prisons across Australia and then determined to what extent were these factors present in the events of 13 May 2010 at DCC. The recommendations are based on the findings of this analysis.

The research and inquiries into prison riots advise that the factors involved in prison riots sit on a continuum of proximal (or immediate) factors and distal (or structural) factors. Where the distal factors combine to create a tense institutional climate, it only takes a small incident for individual prisoner feelings of frustration or sense of injustice to morph into collective disobedience or a riot.

The context in which the events of 13 May 2020 at DCC unfolded is one where nascent reform of the NTCS is underway to improve the agency’s progressively worsening performance outcomes and to avoid or reduce significant future capital and recurrent expenditures. This reform effort has found expression in the development of a new Operating Philosophy. A further dimension of the context in which the riot occurred was the Covid 19 restrictions which curtailed already limited prison regimes.

A consistent and significant distal factor in the riots examined, including that at the DCC on 13 May 2020, is impoverished prison regimes. This impoverishment is a product of a range of issues, including poor relationships with staff, overcrowding, lockdowns (due to staff shortages), restricted access to programs and work and to parole. A further significant issue, repeated in several of the reports and research documents examined, is increased demands on prison management by governments without an increase in resources, the effects of which flow through the system and

² In this report the terms “inmate” and “prisoner” are used, reflecting practice across Australia correctional jurisdictions

³ This figure is only an initial estimate of the Loss Adjustor, FM Provider and builder. It has not been confirmed

disturb the perceived legitimacy of prison regimes. In the case of NTCS this is evidenced in declining appropriations in the face of increasing prison population pressures.

The proximal factors in the riots at DCC on 13 May 2020 was the breakout of a single individual who objected to cell sharing and sought an “At Risk” placement. The breakout of this individual was followed by 25 others in Sector 6. The spontaneity of this was evidenced in the fact that several of the rioters had only short sentences to serve or were about to be considered for parole. Significantly, and notwithstanding the power of peer pressure, many prisoners chose not to become involved.

The rioters were able to do considerable damage to the DCC because of weaknesses in the prison infrastructure, [REDACTED]

The staff activated the procedures outlined in the DCC Immediate Response Plan (*Code Yellow Procedures*) and *Commissioner’s Directives*. In a commendable demonstration of professionalism approximately 100 staff responded to the call to assist their colleagues on site at DCC. NT Police, Fire & Rescue Service and St John’s Ambulance attended the scene. The DCC remained under the control of the NTCS throughout the incident. After two groups in Sectors 6 & 7 were secured, the focus was on those on the Faith Centre roof. Chemical agents were used to encourage them to abandon the riot and come off the roof, which they did. Two prisoners were taken to hospital for health checks, but were promptly returned to the DCC. Staff injuries were minor. Both these outcomes are commendable. A hot debrief was conducted immediately after the riot had been brought under control.

As in each of the riots examined in the course of this investigation the events of 13 May 2020 have provided lessons which are documented in this report, together with appropriate recommendations.

The key recommendations include:

- Properly funding the NTCS Operating Philosophy to arrest declining performance outcomes and to improve poor prisoner regimes
- Properly funding the DCC staffing model to reduce the incidence of unscheduled lockdowns, the inefficient use of overtime and to improve staffing stability in the Sectors of DCC
- Matching NTCS delegations to responsibilities within the risk management architecture
- Implementing fully the *Sentence Management Manual 2020*
- Limiting DCC acting positions by numbers and duration
- Establishing emergency management MOUs with Police, Fire and Emergency Services and St Johns Ambulance
- Implementing new emergency procedures based on the Australian Inter-Services Incident Management System
- Training on the new procedures
- Upgrading intelligence capabilities

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- Addressing infrastructure weaknesses, while avoiding the “hardening” of the prison
- Improving riot control capabilities
- Reducing overcrowding
- Reducing the population of short sentence prisoners
- Investing in adequate treatment services to match prisoners’ treatment needs and to assist the Parole Board reduce the waiting list for ERD releases
- Implementing a structured day of meaningful activity including education, work treatment and recreation
- Invest in developing the cultural competence of all NTCS staff
- Implementing comprehensive assessments of prisoners’ cognitive functioning
- 24/7 on-site health care.

If the distal factors identified in this investigation, with which the recommendations are directly concerned, are not addressed so the risks of further disturbances at DCC will remain.

Dr Paget acknowledged members of NTCS and NT Department of Health who generously provided the investigation with their time, advice and information over the period 16 – 30 June and the union representatives with whom a meeting was held at the DCC on 29 June 2020.