



Department of Justice and Community Safety

Secretary

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Our ref: BC/19/23224

Coroner Rosemary Carlin
Coroners Court of Victoria
65 Kavanagh Street
SOUTHBANK VIC 3006

Dear Coroner Carlin

I refer to your findings and recommendations delivered on 5 July 2019 regarding the death of Mr Hizir Ferman (COR 2016 3497) at Middleton Prison on 28 July 2016.

I wish to advise that the Department of Justice and Community Safety (DJCS) has accepted, or accepted in principle, all four of your recommendations. All recommendations are currently being implemented as detailed below.

Recommendation 1 – Corrections Victoria should update its [Security and Emergency Services Group] cell extraction training, including any relevant manuals, to incorporate the matters set out in my comments (see attached findings).

DJCS has accepted this recommendation.

DJCS has identified all policies, procedures and training documents that require updating and/or development and has commenced the work of incorporating all matters set out in your comments.

A new *Cell Extraction Template* is being drafted that will be mandatory for Security and Emergency Services Group (SESG) staff to follow during a cell extraction to guide, record and justify decision making.

Recommendation 2 – Corrections Victoria should update its Critical Incident and Safety Management online training module on positional asphyxia in accordance with my comments.

DJCS has accepted this recommendation.

DJCS has identified all policies, procedures and online training that requires updating and/or development and has commenced this work. The updated online training module is due for completion in June 2020, and when it becomes live all SESG officers will be immediately required to complete the online training. General duties officers will undertake relevant modules of the online training as part of annual refresher training.

In addition, a new *Commissioner's Requirement – Use of Chemical Agents* is being developed to include orthochlorobenzalmalononitrile (CS gas) as an additional risk factor for positional asphyxia. All staff will be required to follow this policy.

Recommendation 3 – Corrections Victoria should review the configuration of the bedrooms in Middleton to assess possible means of allowing prison officers to view or enter the bedrooms in emergency situations, and at the very least arrange the modification or replacement of one or more doors to insert a trap.

DJCS has accepted this recommendation in principle.

While DJCS agrees with the intent of the recommendation, there can be no guarantee that a prisoner in the midst of a violent episode will be accommodated within one of the bedrooms with the modified door. It is also noted that Middleton Prison is not the only location across the correctional system that has cottage style accommodation.

To meet the intent of this recommendation, Corrections Victoria is amending its policies to allow SESG officers to drill a hole through cottage doors to provide them with a visual of a prisoner to be extracted, as required. Specific equipment is being acquired that will be added to the SESG response kits for this purpose.

Recommendation 4 – Correct Care Australia should have the Restraint and Positional Asphyxia Fact sheet reviewed by an appropriately qualified medical practitioner having regard to the matters raised in comment 16.

DJCS has accepted this recommendation.

The Correct Care Australasia *Restraint and Positional Asphyxia Fact Sheet* has been sent to an appropriately qualified medical practitioner interstate for review, and feedback is pending.

I am advised that all recommendations will be implemented by June 2020. At this time, confirmation of the implementation of these recommendations will be provided to the Court.

Should you require any additional updates please contact Allison Will, Director, Justice Assurance and Review Office on (03) 8684 6303.

Yours sincerely



Rebecca Falkingham
Secretary