



Department of Justice and Community Safety

Secretary

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Our ref: 20070679

State Coroner John Cain
Coroners Court of Victoria
65 Kavanagh Street
SOUTHBANK VIC 3006

Dear State Coroner

I refer to the coronial findings and recommendations delivered on 5 July 2019 by Coroner Rosemary Carlin 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 the recommendations. All recommendations are implemented as detailed below.

Recommendation 1 – Corrections Victoria should update its SESG [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 accepted this recommendation.

DJCS has updated all relevant policies, procedures and training documents to incorporate the matters set out in the comments.

DJCS has issued a new Commissioner's Requirement (CR) *Use of Chemical Agents*. DJCS has also updated and reissued both CR *Use of Oleoresin Products* and Deputy Commissioner's Instruction (DCI) *Use of Chemical Agents*.

A new *Cell Extraction Template* has been issued that is mandatory for 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 accepted this recommendation.

An online training module has been updated and is live. All SESG and general duties officers will complete modules of the online training as relevant.

In addition, a new CR *Use of Chemical Agents* has been endorsed to include orthochlorobenzalmalononitrile (CS gas) as an additional risk factor for positional asphyxia. All staff are 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 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 has updated its policies and the *SESG Manual* 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 has been purchased and 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 accepted this recommendation.

The Correct Care Australasia *Restraint and Positional Asphyxia Fact Sheet* has been updated after review by a qualified medical practitioner.

Should you require any additional updates please contact Ms Allison Will, Director, Justice Assurance and Review Office at DJCS on 0437 458 158.

Yours sincerely



Rebecca Falkingham
Secretary