



# Department of Justice and Community Safety

Secretary

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Coroner McGregor  
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SOUTHBANK VIC 3006

By email: [cpuresponses@coronerscourt.vic.gov.au](mailto:cpuresponses@coronerscourt.vic.gov.au)

Dear Coroner McGregor

## **Finding into the death following inquest – Mr Brian Pope – COR 2022 000975**

I refer to your findings and recommendations delivered on 14 May 2024 in relation to the death of Mr Brian Pope at the Metropolitan Remand Centre (MRC) on 21 February 2022.

The Department of Justice and Community Safety (DJCS) accepts recommendations A(i) and B. DJCS accepts recommendation A(ii) in principle and is implementing an alternative which achieves the intent of the recommendation.

### **Recommendation A(i) – the DJCS Secretary, in conjunction with Justice Health, Corrections Victoria and any new Health Service Provider at the MRC arrange for face-to-face reception assessments for quarantine patients.**

This recommendation has been implemented.

Specification 4.4.1(b) in the *Primary Healthcare Services in Victorian Men's Public Prisons – Specifications* (Justice Health, December 2022) (the Service Specifications) requires health service providers in public prisons (including the provider operating at the MRC) to '[c]onduct a comprehensive face-to-face reception medical assessment within 24 hours of a person's arrival at a reception prison, provided by a Medical Practitioner (MP) and a Registered Nurse (at a minimum RN Grade 2), working as a team'. No exception is provided to this requirement for health staff including for quarantine patients. Additional guidance has also been provided to health staff in the form of a *Practice Instruction – Providing Health Care in Cells*. This Practice Instruction captures the expectation that people in custody are assessed face to face, wherever safe to do so and the obligation on health staff to request custodial staff provide access, including why.

A new *Commissioner's Requirements 5.1.5 - Prisoner Health*, captures the expectations of custodial staff in relation to providing access to cells. *If, through the course of their duties, health staff require access to a person in custody who is secured in a cell or locked area, all reasonable steps should be taken to provide health staff access to the person in line with an*

*assessment of the circumstances, proper consideration of human rights, safety of all persons involved and any risks posed by the person. Additional staff may be required depending on the assessed dynamic risks at the time.*

**Recommendation A(ii) – the DJCS Secretary, in conjunction with Justice Health, Corrections Victoria and any new Health Service Provider at the MRC develop a policy and processes for the timely acquisition of collateral information to assist in the risk assessment and formulation of care plans for patients**

An alternative to this recommendation, which achieves the intent, is being implemented.

Justice Health has implemented significant changes to service and quality requirements for primary health service providers in public prisons, including MRC, since Mr Pope's death. These changes set high level expectations for timely acquisition of collateral information and utilisation of collateral information in assessments and care planning. The new *Healthcare Services Quality Framework for Victorian Prisons 2023* and Service Specifications contain detailed requirements requiring providers to obtain relevant collateral information for the purposes of assessment and care planning. For example, specification 4.4.1(e) in the Service Specifications requires health service providers to draw upon a range of collateral information to inform reception medical assessments (which must be completed within 24 hours), and requirement 2.10 in the Framework requires health service providers to obtain collateral information from community providers to verify a person's medication history.

Justice Health requires health service providers to incorporate and further detail these requirements in their local policies, procedures and guidelines. Accordingly, Justice Health is implementing an alternative to this recommendation, involving review of providers' policies, procedures and guidelines to ensure alignment to this recommendation rather than issuing additional guidance. The process for reviewing these policies, procedures and guidelines to confirm that they have addressed this feedback is detailed further in relation to recommendation B below.

**Recommendation B – Justice Health oversee Health Service Providers in Victorian prisons developing a detailed procedure for the collection and storage of collateral information during reception health assessments. The procedure must:**

- i. set out staff roles and responsibilities;**
- ii. include a requirement to verify substance use (type and quantity) in a consistent manner (e.g, standard measure of alcohol units) with prisoners at the time of assessment**
- iii. require staff to make appropriate efforts to collect information from family members to inform mental health assessments, recognising that this requires consent and acknowledging that this can be challenging where a family member is an alleged victim**
- iv. set out an approach for gathering and using information about prisoners' offences and the impact on their relationships and future planning to inform assessments and decisions made;**

- v. provide guidance on the actions that must be taken following the review of collateral information, including a review of the prisoner's risk rating and mental health care plan; and
- vi. ensure that any actions taken following a review of collateral information are recorded in JCare.

Implementation of this recommendation is in progress. Note, this recommendation mirrors 'recommendation 1' from the review completed by DJCS (finalised in March 2023) into Mr Pope's death.

On 18 May 2023, Justice Health issued a requirement to Forensicare to develop a corrective action plan by 16 June 2023 to address the DJCS recommendation. The date for response was later extended to 30 June 2023. Forensicare provided a comprehensive response to Justice Health regarding the DJCS recommendation on 30 June 2023. Among other things, Forensicare confirmed that it had strengthened and clarified its *Mental Health Reception Procedure – Prisons* to reflect this recommendation.

On 1 July 2023, new primary Health Service Providers commenced across all public prisons. All providers were required to prepare policies and procedures to support their operations, including in relation to reception health assessments and the collection and storage of information. Justice Health will complete a final review of all providers' policies, procedures and guidelines to ensure they comply with this requirement in 2024-25.

Should you require any further information, please contact Justice Health at

[REDACTED]

Yours sincerely



**Kate Houghton PSM**  
Secretary

26/08/2024