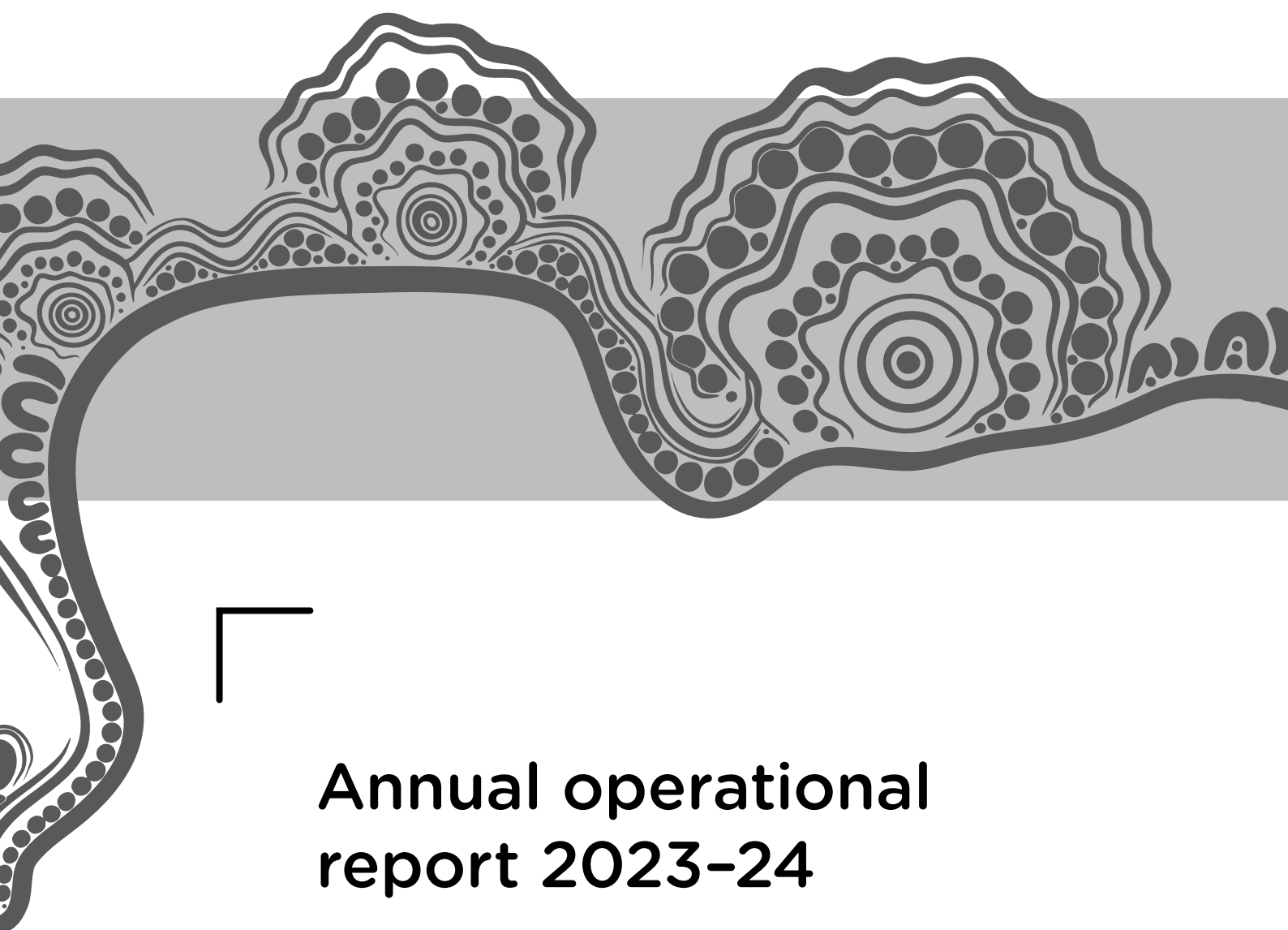


Inspector of Detention Services



**Annual operational
report 2023-24**

October 2024



**QUEENSLAND
OMBUDSMAN**

Nathaniel Chapman

Leaving Our Mark (2023)

Digital artwork (cover includes elements)

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Nathaniel Chapman is a Goenpul and Yuggera man, also from the Wambia Tribe in Northern Territory and Waka Waka country in Eidsvold, Queensland.



We acknowledge the Traditional Owners of the land throughout Queensland and their continuing connection to land, culture and community. We pay our respects to Elders past, present and emerging.

**Inspector of Detention Services:
Annual operational report 2023–24**

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October 2024

The Honourable Curtis Pitt MP
Speaker
Parliament House
George Street
BRISBANE QLD 4000

Dear Mr Speaker

I am pleased to submit to you the report on the operations of the Inspector of Detention Services for the year ended 30 June 2024.

This report is prepared in accordance with s 21 of the *Inspector of Detention Services Act 2022* and, as required by that Act, I have also provided a copy to the Attorney-General.

Yours sincerely



Anthony Reilly
Queensland Ombudsman and
Inspector of Detention Services

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*Inspection standards for Queensland prisons and
Inspection standards for Queensland youth detention centres*



*Cleveland Youth Detention Centre report: Focus on separation due to staff shortages
(Tabled in parliament, 27 August 2024) and the Cairns and Murgon watch-houses report:
Focus on detention of children (Tabled in parliament, 11 September 2024)*

Inspector's overview

I am pleased to present the first annual report on the operations of the Inspector of Detention Services, as required by s 21 of the *Inspector of Detention Services Act 2022* (IDS Act).

This operational report sits alongside the Office of the Queensland Ombudsman's Annual Report 2023-24, which includes financial and non-financial performance reporting, organisational information and governance arrangements for the whole organisation, including the Detention Services Inspection Unit (DSIU).

The IDS Act fully commenced on 1 July 2023. Under the IDS Act, the Ombudsman is also the Inspector of Detention Services.

The purpose of the IDS Act is to improve detention services, with a focus on promoting and upholding the humane treatment and conditions of detainees and preventing them from being subject to harm.

The IDS Act establishes a framework for achieving its purpose by:

- publishing standards for inspection
- reviewing detention services and inspecting places of detention
- independent and transparent reporting.

Places of detention include community corrections centres, prisons, watch-houses, work camps or youth detention centres.

Since 1 July 2023, we have achieved a number of significant milestones:

- establishing DSIU within the Office of the Queensland Ombudsman
- developing and publishing inspection standards for prisons and youth detention centres
- commencing inspections of places of detention including prisons, youth detention centres and watch-houses
- reporting to the Legislative Assembly on two inspections:
 - *Cleveland Youth Detention Centre inspection report: Focus on separation due to staff shortages*
 - *Cairns and Murgon watch-houses inspection report: Focus on detention of children*

- establishing an online presence, and publications such as *Inspector's News*, to inform the community about our work
- undertaking extensive engagement with detainees, community organisations and government agencies.

The support provided by the Office of the Queensland Ombudsman's executive and corporate services teams was integral to the successful establishment of the new DSIU. These teams continue to provide ongoing business support to the DSIU in a range of areas including the tabling and publication of reports.

In the year ahead, we plan to:

- finalise reports on inspections commenced in 2023-24
- undertake further inspections
- develop processes for monitoring and reporting on recommendations
- progress inspection standards for watch-houses.

I would like to thank the senior managers and staff of the Department of Youth Justice, Queensland Corrective Services and the Queensland Police Service for their support for the establishment of our functions over the past year, and the open manner in which they have engaged with us.

I would also like to acknowledge the assistance of many government agencies and non-government organisations, as well as independent inspectors from other jurisdictions.

Finally, I would like to express my appreciation to those who are held in places of detention for their willingness to engage with our officers and assist our work.



Anthony Reilly

Ombudsman and Inspector of Detention Services
October 2024

Functions performed by the Inspector during 2023-24

In accordance with s 21(2)(a) of the IDS Act, in this section of the report we describe the functions performed by the Inspector during the reporting period 2023-24.

Standards

Preparing and publishing standards in relation to inspections is a function for the Inspector under s 8(1)(d) of the IDS Act.

In August 2023, the Inspector approved inspection standards for Queensland prisons and for Queensland youth detention centres. The standards, supported by summary 'quick guides', are published on the Office's website (www.ombudsman.qld.gov.au).

The standards were informed by a number of sources, including the IDS Act, relevant Queensland legislation, the *Human Rights Act 2019* and relevant international rules for best practice. Existing standards being used by established independent inspectors in other jurisdictions were also a significant source of guidance.

The Inspector undertook extensive consultation as part of the process of setting the standards. This included direct engagement with public sector agencies and community stakeholders, and an open invitation on the Office's website calling for submissions. More than 26 government and community organisations made submissions during the consultation period.

The standards for prisons and youth detention centres recognise and highlight the importance of understanding and providing culturally appropriate services for the needs of Aboriginal and Torres Strait Islander prisoners.

In addition to providing guidance for the inspection work, the standards establish a set of best practice principles for the humane treatment of detainees and to prevent detainees from being subjected to harm while detained.

We have commenced initial drafting for watch-house standards, and aim to complete this work in 2024-25.

Inspections

Inspecting places of detention is a function of the Inspector under s 8(1)(b) of the IDS Act.

While the IDS Act enables the Inspector to inspect a place of detention at any time, it also provides that the Inspector must:

- inspect each youth detention centre every year (three youth detention centres)
- inspect each prison that is a secure facility at least once every five years (14 prisons to be inspected are listed in Schedule 1 of the Corrective Services Regulation 2017)
- inspect other places of detention prescribed by regulation at least once every five years (the Brisbane City Watch-house and the Southport Watch-house are listed in the Inspector of Detention Services Regulation 2023).

Process

A complete inspection of a place of detention is a complex, multi-staged process.

Broadly, an inspection consists of five phases:

1. planning
2. information gathering
3. engaging with detainees
4. conducting an onsite visit to the place of detention
5. analysing information and forming conclusions.

The inspection report is then prepared and provided to the Speaker for tabling in parliament. The Inspector's report on each inspection will be public once the report is tabled in parliament.

Engagement

Engagement with detainees plays an important part in this process. This helps to ensure the lived experience of detention contributes to the consideration of improvements in detention services.

DSIU officers' engagement with detainees is structured to commence early in the inspection process and continue to the onsite inspection phase. This helps to account for the turnover of those who are detained and to build trust with those detained to improve communication.

Our engagement team also builds connections with groups that interact with detained people in Queensland. Community engagement provides valuable insights and connections with detainees and the community. These connections enrich our inspections by helping us get a full picture of the environment of a place of detention. It also helps stakeholder groups gain a greater understanding of our role. This input is vital to producing reports that examine the systems and the lived experiences of people in detention.

Our three engagement advisors are people of Aboriginal and Torres Strait Islander descent with lived and worked experience all over Queensland, including rural and remote communities and the Torres Strait Islands.

2023–24 inspections

In 2023–24, seven inspections of places of detention commenced in this order:

- Cleveland Youth Detention Centre
- Murgon Watch-house
- Southern Queensland Correctional Centre
- Cairns Watch-house
- West Moreton Youth Detention Centre
- Palen Creek Correctional Centre
- Brisbane Youth Detention Centre.

Reports

Reporting to the Legislative Assembly is a function of the Inspector under s 8(1)(e) of the IDS Act.

Reports on the following inspections that commenced in 2023–24 were tabled after the 2023–24 reporting period but prior to the finalisation of this report:

- *Cleveland Youth Detention Centre inspection report: Focus on separation due to staff shortages* (tabled in parliament on 27 August 2024)
- *Cairns and Murgon watch-houses inspection report: Focus on detention of children* (tabled in parliament on 11 September 2024).

Reports for each of the other inspections commenced in 2023–24 are underway.

The inspection reports on places of detention are published on the Office of the Queensland Ombudsman's website (www.ombudsman.qld.gov.au) after tabling in the Legislative Assembly. To support accessibility of our reports, an 'easy read' version of each report is published alongside the full report.

Report on other required matters

In addition to describing the functions performed by the Inspector, s 21(2) of the IDS Act also requires this report to include:

- recommendations for changes in the law of the State the Inspector considers should be made, or for administrative action the Inspector considers should be taken, as a result of the performance of the Inspector's functions
- an evaluation of actions taken in response to recommendations made by the Inspector, whether during the reporting period or previously
- any ministerial request, including those made previously but not finally dealt with by the Inspector
- a description of any referral of a relevant matter to a responsible Minister under s 17(5)(b) made during the reporting period.

Recommendations

While there were recommendations made in the *Cleveland Youth Detention Centre inspection report* and the *Cairns and Murgon watch-houses inspection report*, these reports were tabled in parliament outside the 2023–24 reporting period (27 August 2024 and 11 September 2024 respectively).

However, recommendations were made to the Minister for Youth Justice under s 17(7) of the IDS Act following a referral pursuant to s 17(5)(b) of the IDS Act.

Referral to Minister

Under s 17(5)(b) of the IDS Act, the Inspector may refer a matter to a relevant responsible Minister if the Inspector has a reasonable suspicion that:

- there is, or has been, a serious risk to the security, management, control, safety, care or wellbeing of a detainee at a place of detention
- a detainee is being, or has been, subjected to torture or cruel, inhuman or degrading treatment at a place of detention.

On 26 March 2024, the Inspector referred concerns to the Minister for Education and Minister for Youth Justice (the Minister) about children being separated at the Cleveland Youth Detention Centre (CYDC) for extended periods in rooms without basic facilities such as a toilet, a basin with running water, a seat or a bed. The Inspector also advised the Minister of further concern about advice from the department that similar rooms without basic facilities are included in the designs for the new therapeutic detention centres to be built at Woodford and Cairns.

The Inspector made the referral on the basis that he considered the use of separation rooms to present a serious risk to the safety, care and wellbeing of children in detention. In doing so, he noted that the approach to these matters in Queensland's youth detention centres is inconsistent with Queensland's adult prisons, which ensure basic facilities are available to prisoners in separate confinement. It is also inconsistent with practices in other jurisdictions and international human rights instruments.

Recommendations to the Minister

Under s 17(7) of the IDS Act, the Inspector is required to give the Minister advice or make recommendations about referred matters.

The Inspector made the following recommendations:

1. The department recognises the importance of ensuring that children are not locked in rooms that do not have basic facilities, including a toilet, a basin with running water, and a bed or seat for any length of time.
2. The department should ensure that separation rooms and holding cells in the two proposed new youth detention centres at Cairns and Woodford have basic facilities in them including a toilet, a basin with running water, and a bed or seat.
3. The department should prioritise the implementation of improvements to the separation rooms and holding cells at CYDC to ensure that they have basic facilities in them including a toilet, a basin with running water, and a bed or seat.
4. The department should closely monitor the use of separation rooms and holding rooms at CYDC to ensure that they are only being used as an option of last resort and for the shortest time possible.

On 18 April 2024, the Director-General of the department responded to the recommendations made to the Minister. On 13 May 2024, the Minister also responded, noting the Director-General's responses to our recommendations.

Evaluation of actions in response to recommendations

Appendix A contains pages 47–49 of the *Cleveland Youth Detention Centre inspection report*, including:

- recommendations to the Minister (recommendations 5 to 8)
- actions being taken in response to each of the recommendations
- our assessment of those actions.

The *IDS operational report 2024–25* will include:

- further evaluation of any actions taken in response to recommendations made in the *Cleveland Youth Detention Centre inspection report*
- an evaluation of any action taken in response to recommendations made in the *Cairns and Murgon watch-houses inspection report*
- any reports tabled in parliament during the 2024–25 reporting period.

Ministerial requests

There were no ministerial requests during the reporting period.

Appendix

Appendix A: *Cleveland Youth Detention Centre inspection report: Focus on separation due to staff shortages* – Recommendations 5–8, Director-General response and our assessment

Implications for other Queensland youth detention centres

The Director-General of the Department of Youth Justice (the department) has advised us that separation rooms are included in the design plans for the new youth detention centres being built in Woodford and Cairns.

On 26 March 2024, we advised the Minister for Education and Minister for Youth Justice (the Minister) about our concerns under s 17(5)(b) of the *Inspector of Detention Services Act 2022*. We made four recommendations to the Minister, which are included in this report as recommendations 5 to 8.

On 18 April 2024, the Director-General of the department responded to the recommendations made to the Minister. He explained that the use of separation rooms has been an essential response option for the safety and security of staff, children and visitors in a youth detention centre, with a range of legislative, policy and practice safeguards in place that govern their use. The Director-General's response to each of the recommendations made to the Minister are detailed, in full, below.

On 13 May 2024, the Minister also responded, noting the Director-General's responses to our recommendations.

Recommendation 5

The Department of Youth Justice recognises the importance of ensuring that children are not locked in rooms that do not have basic facilities, including a toilet, a basin with running water, and a bed or seat, for any length of time.

The Director-General's response:

The Department acknowledges this advice and notes the legislative, policy and practice safeguards in place to ensure:

- separation rooms are used only when absolutely necessary and for the shortest possible period to ensure a young person's safety;
- separated young people always have access to staff via an intercom and can access fresh water and toilet facilities on request. Policy and procedure guidance reiterates these requests must be actioned without delay; and
- separated young people are observed frequently and, on some occasions, young people will have a dedicated staff member assigned to them to provide constant supervision.

Notwithstanding this, the Department commits to undertaking a jurisdictional and best practice review to explore whether, and how, these facilities can be provided in separation rooms whilst ensuring the safety and security of staff, young people and visitors in a youth detention centre.

Recommendation 6

The Department of Youth Justice ensures that all separation rooms and holding cells in new youth detention centres (including those at Cairns and Woodford) have basic facilities in them including a toilet, a basin with running water, and a bed or seat.

The Director-General's response:

The Department commits to considering the inclusion of these facilities in the design of the two new youth detention centres at Woodford and Cairns.

It is noted that these modifications will have significant cost implications that will need to be considered relevant to other build priorities.

The Department will also be required to consult with staff and industrial unions to address likely concerns regarding workplace health and safety.

Recommendation 7

The Queensland Government and Department of Youth Justice provide funding to improve the centre's separation rooms and holding cells to ensure that they have basic facilities in them including a toilet, running water, and a bed or seat.

The Director-General's response:

The Department commits to exploring the feasibility of infrastructure modifications to retrofit these facilities into existing separation rooms in the Brisbane, West Moreton and Cleveland youth detention centres.

These modifications may not be structurally possible or financially viable due to infrastructure or construction limitations. These modifications will have significant cost implications that will need to be considered and staged relevant to other capital expenditure priorities. The Department will also be required to consult with staff and industrial unions to address likely concerns regarding workplace health and safety.

Recommendation 8

The Department of Youth Justice closely monitors the centre's use of its separation rooms and holding cells to ensure they are only being used as an option of last resort and for the shortest time possible.

The Director-General's response:

The Department will continue to monitor the use of separation rooms to ensure they are used only when absolutely necessary and for the shortest possible period. Further enhancements to policy, training and information systems will be considered to reinforce this outcome.

While we appreciate the Director-General's response to the four recommendations we made to the Minister, the use of rooms without any basic facilities to separate children, sometimes overnight, is an issue fundamental to humane containment. Children cannot continue to be locked in these empty, concrete rooms, even for short periods of time.

It is especially difficult to reconcile building rooms without basic facilities at two new youth detention centres with government assurances that the centres will 'include therapeutic design elements aimed at supporting the rehabilitation of young people'. (Joint statement from the Premier and the Minister for Education and Minister for Youth Justice, *Construction starts on youth detention facility at Woodford*, February 2024).

We acknowledge that considerable time and cost is likely to be involved in undertaking the recommended infrastructure improvements. Recommendation 7 directed to the Queensland Government and Department of Youth Justice provides support for infrastructure improvements through additional funding.

In the meantime, if the centre intends to continue to use the rooms in their current form 'when absolutely necessary and for the shortest possible time', it must improve their condition and consider what soft furnishings (examples of which we have seen in adult prisons in Queensland) can be added.





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