INQUIRY INTO THE TREATMENT IN CUSTODY OF DETAINEE STEVEN FREEMAN

MR PHILIP MOSS AM

TERMS OF REFERENCE
PURPOSE

The Government through ACT Corrective Services is responsible for the provision of safe and secure custody for detainees in a human rights jurisdiction. The effective and integrated operations of the Alexander Maconochie Centre (AMC) is a critical element of detainee management as part of the ACT Corrective Services system.

All deaths in custody are considered very serious matters and there are statutory requirements for such deaths to be fully investigated.

Under the section 13 of the ACT Coroners Act 1997, all deaths in custody are the subject of a Coronial Inquiry. A death in custody may also be subject to police investigation. Any issues of [individual] responsibility will be dealt with through the coronial inquest and the broader criminal justice system if the circumstances require.

The Government is undertaking an independent inquiry into the management of the custody and care of detainee Steven Freeman at the AMC to ensure that ACT Corrective Services systems operated effectively. This inquiry cannot examine the circumstances and cause of death of Steven Freeman as that will be addressed by the police investigation and the Coroner. However, the inquiry will be conducted in the context of the death of detainee Steven Freeman.

The Government expects that the inquiry will examine and, where appropriate, make recommendations to improve detainee management arrangements. It is expected that any recommendations and the Government’s response will contribute to the Coroner’s consideration of the matter.

TERMS OF REFERENCE

The inquiry will consider:

- the adequacy of the management, care and custody of detainee Steven Freeman at the AMC and the compliance of this care and custody with human rights obligations;
- the overall effectiveness of the application of relevant policies and procedures in the care and custody of Steven Freeman;
- the adequacy of induction and risk assessment policies and procedures at the AMC and how these were applied to Steven Freeman;
- the adequacy of policies and procedures relating to separation of vulnerable detainees at the AMC and how these were applied to Steven Freeman;
- the extent of the consideration given to Aboriginal culture, traditions and beliefs in the management, care and custody of Steven Freeman;
- the effectiveness of information sharing arrangements between ACT Policing and ACT Corrective Services around new and remand detainees at AMC; and
- the accessibility and appropriateness of health and other support services within the AMC for Steven Freeman;

but cannot inquire into or consider the manner and cause of the death of Steven Freeman, which is the subject of an inquest by the Coroner.

Following the inquiry, Mr Moss will provide a report with any recommendations on how to improve the management, care and supervision arrangements of detainees.

REPORTING TIMEFRAME

The inquiry will be completed and provided to the Minister for Corrections by 31 October 2016.

SUPPORT ARRANGEMENTS

The inquiry will be supported by a small team provided by the Director-General, Justice and Community Safety Directorate.

Inquiry into the treatment in custody of detainee Steven Freeman: Terms of Reference