



CRIMINAL BAR ASSOCIATION OF VICTORIA

MEDIA RELEASE

EXCESSIVE FORCE AT THE MELBOURNE CUSTODY CENTRE

The recently published 32-page Report of the Victorian Ombudsman into allegations of excessive force used at the Melbourne Remand Centre chronicles some very disturbing events and allegations. All Victorians who read the Report will be repelled by the Ombudsman's conclusion that an event of unjustified and unlawful violence occurred at this facility in the way described. Further, the Report details allegations of a culture where abuse of detained persons is tolerated at this Centre.

According to the Ombudsman people are detained in the Centre for up to 28 days. It is a place he describes as "a de facto prison". It was never meant to be a facility where people would be detained for such extended periods of time. A significant feature of the detention in the Centre is that it takes place completely underground, with no access to natural light or fresh air. Many people would find it entirely unjustified that this facility, designed to hold people on a short term basis, is used in the way that it is. This type of detention must be brought to an end. The purpose of the Centre should be restricted to providing a safe and secure means by which persons who are to appear at the Magistrate's Court come into and out of the building on a daily basis.

The Ombudsman points out that serious criticisms of some operations of the Melbourne Remand Centre were made by his Office in 2006. It seems little has been improved. The Victorian community is entitled to ask why undesirable practices have not been stamped out. It is often said that one of the yardsticks by which a civilised society can be measured is in the way its detained people are treated. It is to be further noted that people who are detained in this Centre include persons of all ages; of both sexes; including violent, non-violent, and vulnerable people. Further, and importantly, those detained include the convicted, as well as the unconvicted who await the resolution of their court hearings. The Ombudsman further remarks that one of the roles of the Centre includes the detention for short periods of people who have been arrested for drunkenness. It ought give everyone concern that this particular category of detainees is exposed to the culture alleged to exist at the Centre in circumstances where they have may have been arrested for doing little more than having a few drinks too many.

In the present context it appears that little has been done by our Government to put the criticisms of the Ombudsman's 2006 Report right. The Ombudsman remarks that unless major reforms are implemented the Melbourne Remand Centre will fail to meet the obligations put upon it by Victoria's Charter of Human Rights and Responsibilities, which will come into effect in 2008.

What makes the conclusions and observations of the Ombudsman all the more disturbing and repugnant is that the Melbourne Custody Centre is located in the same building as the Melbourne Magistrate's Court. It appears that whilst justice is dispensed upstairs, events involving unjustified violence and intimidation appear to be occurring downstairs in the basement. The effect of the Ombudsman's criticisms is that events occur "out of sight and out of mind".

As a matter of urgency the Victorian Government must step in and instigate firm actions to prevent this state of affairs from continuing. Clearly supervision has been inadequate from both the operators of the facility, and from the Victoria Police. The Ombudsman found that to be the case. In the end however, responsibility must rest with Government. All Victorians should be protected from unlawful and unjustified violence. People who both work at and who are detained in the Custody Centre are no exception.

The judicial officers of this state, and those people who conduct their daily work in this building, particularly including Magistrates; employees at the Court; and lawyers who conduct cases in the building should voice their utter condemnation of the events and culture discussed in this Report and make their opinions clear to the Victorian Government.

For its part the Criminal Bar Association of Victoria will press the Government to explain why in light of the Ombudsman's earlier Report there has been a failure within this facility to treat all persons with dignity, and second, to explain why no proposal appears to have been put forward to re-assure the Victorian public that appropriate actions have been taken to protect all persons who occupy the Melbourne Remand Centre from time to time.

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