

# JOINT STATEMENT



## **Berrimah Prison is not good enough for Territory's most vulnerable kids**

We call for urgent action from the Northern Territory Government to improve youth detention facilities and commission a purpose-built youth detention facility.

We are extremely concerned that children and young people in the Northern Territory are being subjected to unsafe, developmentally inappropriate detention that contravenes National and International protocols.

In August 2014, six youths allegedly involved in a 'riot' were subjected to tear gas, then removed from Darwin's Don Dale Youth Detention Centre to the punishment unit of Darwin Correctional Centre ('Berrimah').

The boys are aged between 14 and 16. Amnesty International called for an independent investigation into the incident and there have been indications that the Northern Territory's Children's Commissioner, Dr Howard Bath is investigating.

Since that time, the Northern Territory Government announced that the Don Dale centre would be immediately closed and all youths in detention moved first to the Complex Behaviours Unit at the new Darwin Correctional Precinct, and when adult prisoners were moved to the new prison, to Berrimah Prison.

On 13 and 14 September 2014, five youths allegedly damaged cells in the new Complex Behaviours Unit, with some also getting onto the roof of the facility. These youths were then transferred to the maximum security unit until the damaged areas were repaired.

## Berrimah Prison

At a coronial inquest in 2011, the Commissioner of Northern Territory Correctional Services, Ken Middlebrook said that Berrimah prison was so run down that it should be bulldozed.<sup>1</sup>

Amnesty International's Rodney Dillon urged that Berrimah Prison not be used as a youth detention centre: "Berrimah's not child-appropriate. If we're genuinely interested in helping kids with repeat offending, putting them in an old run-down jail, no matter what the refurbishment, won't solve any problems"<sup>2</sup>.

The move to Berrimah Prison will only exacerbate the current problems in youth detention.

The Northern Territory Government has committed to spend \$800,000 to upgrade the Berrimah Prison facility.

At the same time, the Northern Territory Government recently announced that it will spend \$5 million to refurbish the Living Skills section of Berrimah Prison to be fit for purpose for adults undertaking mandatory alcohol rehabilitation (NT News, 18 September 2014).

Spending \$800,000 to refurbish Berrimah will include painting, installation of CCTV and some additional internal fencing, and removal of grills and bars to 'soften' the buildings.

These refits will not change the fact that Berrimah was a place no longer acceptable to house adults – so how can it be considered acceptable to house our most vulnerable young people?

Berrimah was formerly known for overcrowding, oppressive conditions and cultural inappropriateness. We therefore question its suitability as a site to safely and adequately meet the emotional and mental wellbeing of young people.

The Australasian Juvenile Justice Standards (AJJA) sets out national juvenile justice standards. These standards are linked to state and territory legislation and take into account the United Nations Rules for the Protection of Juveniles Deprived of their Liberty, the United Nations Standard Minimum Rules for Non-Custodial measures and the United Nations Standard Minimum Rules for the Administration of Juvenile Justice.

The Standards include infrastructure guidelines to ensure age-appropriate youth justice services and resources that support safe, secure and positive environments for staff and young people, that promote rehabilitation and ensure that critical incidents are managed using the least intrusive developmentally appropriate options.

An adult prison 'fit for a bulldozer' is just not good enough for the Territory's most vulnerable kids.

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<sup>1</sup> <http://www.abc.net.au/news/2014-09-14/juveniles-escape-cells-in-new-darwin-prison/5742710>

<sup>2</sup> <http://www.amnesty.org.au/news/comments/35449/>

We call upon the Northern Territory Government to urgently:

1. establish purpose-built detention facilities in Darwin and Alice Springs for the Northern Territory's most vulnerable children and young people, or, alternatively, properly invest to upgrade existing youth detention centres to acceptable contemporary standards;
2. reduce the number of Aboriginal young people exposed to youth detention by:
  - improving the availability of diversionary and non-custodial options for dealing with young offenders, and
  - reviewing punitive bail laws and increasing supported bail accommodation;
3. establish an Independent Custodial Inspector (such as exists in Western Australia) who has unfettered access to youth detention centres to ensure national and International standards are being complied with.

### **Signatories:**

- Aboriginal Medical Services Alliance Northern Territory (AMSANT)
- Amnesty International
- Anglicare NT
- Balunu Foundation
- Central Australian Aboriginal Legal Aid Service (CAALAS)
- Criminal Lawyers Association of the Northern Territory (CLANT)
- Danila Dilba Health Service
- Human Rights Law Centre
- North Australian Aboriginal Justice Agency (NAAJA)
- Northern Territory Council of Social Services (NTCOSS)
- Secretariat of National Aboriginal and Islander Child Care (SNAICC)
- YWCA of Darwin