



Prisoner Accommodation Management ACC Detention Unit

Custodial Operations Practice Directive

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Scope

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1. Human Rights

It is unlawful for corrective services officers to act or make decisions in a way that is not compatible with human rights, or in making a decision, fail to give proper consideration to a human right relevant to the decision.

Giving proper consideration to human rights entails identifying human rights which may be relevant to a decision and considering whether the decision would be compatible with human rights.

A decision will be compatible with human rights when it does not limit a human right, or only limits a right to the extent that is reasonable and demonstrably justifiable.

Human rights which may be relevant include but are not limited to:

- a) recognition and equality before the law, including the right to equal and effective protection against discrimination;
- b) the right to humane treatment when deprived of liberty;
- c) the right to privacy and to reputation;
- d) the right to education;
- e) the prisoner's cultural rights – generally and for Aboriginal peoples and Torres Strait Islander peoples; and
- f) the right to health services.

2. Limitation of Human Rights

In determining whether a limitation may be reasonable and demonstrably justifiable, the following factors are relevant to consider:

- a) The nature of the human right – this involves looking at the purpose and underlying value of the human right. For example, the right to humane treatment when deprived of liberty provides that all persons deprived of liberty must be treated with humanity and with respect for the inherent dignity of the human person.
- b) The nature of the purpose of the limitation – this involves considering the actual purpose or legitimate aim/reason for limiting the human right. This practice directive requires the prisoner is on a heightened level of observation by corrective services officers to control their inappropriate behaviour and/or protect the prisoner from being harmed by others.
- c) The relationship between the limitation and its purpose – this involves considering the rational connection between the legitimate right, and whether this will actually help to achieve said purpose or legitimate aim. The limit to the prisoner's right to humane treatment when deprived of liberty as a result of increased observation is a requirement for the safety of the prisoner and others in the facility who might otherwise be harmed by the prisoner.
- d) Whether there are any less restrictive and reasonably available ways to achieve the purpose – this involves the necessity analysis where it is necessary to consider the purpose of the limitation and if it can be achieved in any other way. For example, can the prisoner be managed under an Intensive Management Plan in a regular accommodation block rather than being placed in a Detention Unit?
- e) The importance between the purpose for the limitation and preserving the human right – this involves a balancing exercise of the benefits obtained by the limitation vs the harm caused to the human right. For example, does the level of increased observation to ensure the safety of the prisoner, outweigh the consequential limits to the prisoner's right to humane treatment when deprived of liberty?





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A person's human rights should only be limited to the extent that is reasonably and demonstrably justified.

3. Accommodation in a Detention Unit

A detention unit provides for the accommodation of a prisoner who is undergoing a period of separate confinement in the following circumstances:

- a) where the prisoner is found to have committed a breach of discipline and has been ordered to undergo a period of separate confinement; (Refer to section 118 and section 121 of the *Corrective Services Act 2006* (CSA)); or
- b) subject to a safety order (Refer to section 53 and section 54 of the CSA).

The chief executive must ensure a prisoner undergoing separate confinement (refer to section 4 of the *Corrective Services Regulation 2017* (CSR)):

- a) can access reticulated water, a toilet and shower facilities that, as far as practicable, are constructed in a way to prevent the prisoner from associating with other prisoners;
- b) is given the same type of mattress, sheets, blankets and pillow as the prisoner would have, were the prisoner not in separate confinement;
- c) is given clothing appropriate for the prevailing conditions; and
- d) is given the opportunity to exercise, in the fresh air, for at least two daylight hours a day, unless a doctor or nurse advises that it would not be in the interests of the prisoner's health to exercise for a stated period or indefinitely.

Where a prisoner refuses or declines the out of cell time, or where the prisoner requests that the out of cell time period ceases early, this must be recorded in a case note on IOMS. A case note must also be made in circumstances where a prisoner does not receive this period of out cell time detailing the reason for same.

When a prisoner is accommodated in a detention unit, for the purposes of a safety order, under section 53 of the CSA, all staff must be cognisant of the at-risk indicators that may present as a consequence and take immediate action as required in accordance with the COPD At Risk Management: At Risk where there are grounds for the raising of a Notification of Concern.

In circumstances where a prisoner has been identified as being at-risk of self-harm or suicide, the door between the cell and the exercise yard of the detention unit is not to remain open unless the prisoner is under constant observation.

Where a prisoner is accommodated in a detention unit and has not been identified as being at-risk of self-harm or suicide and does not present with at-risk indicators, any decision in respect to the prisoner's access to the exercise yard will be made in accordance with the ordinary day to day operation of the Unit.

A prisoner must not be accommodated in a non-powered cell unless:

- a) no other appropriate accommodation is available;
- b) the placement is necessary to mitigate risk to the prisoner or others; or
- c) the placement is necessary given the nature of an order (or particular requirement of an order) that the prisoner may be subject to.

Should a prisoner be accommodated in a non-powered cell, the assessment and decision making of the placement is to be clearly documented in IOMS or within the relevant order and must be reviewed in line with requirements of the order.





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Should a prisoner be placed in a non-powered cell, staff are to ensure that the prisoner's privileges are not affected (as far as practicable) unless specifically identified and approved within the relevant order.

4. Manage a Prisoner on a Safety Order

A safety order pursuant to section 53 of the CSA describing the conditions of the order must accompany the prisoner to the detention unit. A safety order that has been generated in IOMS but has not been approved by the delegate is not a lawful mechanism by which to separately confine a prisoner. Refer to the Queensland Corrective Services Instrument of Delegations of Chief Executive Powers.

Where a prisoner on a safety order is separately confined (i.e. placed in a detention or safety unit), the prisoner must be given the opportunity to exercise in the fresh air for at least two daylight hours a day. Refer to section 4(d) of the CSR.

Separate confinement, in relation to a prisoner, means the separation of the prisoner from other prisoners. Refer to Schedule 4 Dictionary of the CSA and COPD Prisoner Behaviour Management: Safety Orders.

4.1 At-risk observations

If it is determined the most appropriate method of conducting observations of an at-risk prisoner results in the prisoner's separate confinement in a detention unit, safety unit or health centre, a safety order must be approved by the Chief Superintendent or delegate of the corrective services facility prior to the prisoner's separate confinement.

The prisoner must be kept in a corrective services officer's line of sight at all times until observations commence in the detention unit, safety unit or health centre. Conditions imposed under section 7 and section 8 of the CSR, by reference to section 53(3) of the CSA, must be clearly defined and documented on the order prior to the prisoner commencing separate confinement (refer to section 53 of the CSA, the Approved Form 5 Safety Order and the COPD Prisoner Behaviour Management: Safety Orders).

4.2 Considerations for female prisoners

Individualised assessments must be conducted when considering a prisoner's access to sanitary items (sanitary pads, tampons) and underwear, and must consider the least restrictive options available. If removing access to one or all of these items is critical to safety, a human rights impact assessment must be completed and the identified risk and assessment must be recorded in the relevant Initial Response Plan (IRP) or At Risk Management Plan (ARMP).

4.3 Detention Unit within a Maximum Security Unit (MSU)

A detention unit in a MSU, if available, may be used to accommodate a prisoner:

- on a separate confinement order. Refer to the COPD Breaches of Discipline and the COPD Prisoner Accommodation Management: Maximum Security Unit; or
- where circumstances are such that the prisoner's safety or the security or good order of the corrective services facility cannot be achieved in a normal MSU cell. Refer to section 53 and section 58 of the CSA.





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4.4 Visits

Prisoners accommodated in the detention unit are to receive personal visits in line with the order they are being managed under, i.e. Safety Order or Separate Confinement Order. Refer to the COPDs Prisoner Behaviour Management: Safety Orders and Breaches of Discipline.

Legal visits are to be managed in line with the COPD Visitors to a Facility: Visits Process.

5. Prisoner Access to Recreational or General Equipment

All recreational or general equipment available to prisoners in a detention unit must be approved by an Assistant Commissioner within Custodial Operations prior to prisoner issue. Refer to the Appendix ACC6 Approved Recreational and General Equipment Available to Prisoners in a Detention Unit for current approved items.

Recreational or general equipment in a detention unit available to a prisoner must be inventoried and checked daily to ensure integrity of the item.

A detention unit inventory report must be provided to the Chief Superintendent of the corrective services facility on a quarterly basis.

Prisoner access to items in a detention unit such as brooms, mops etc., should be on a risk assessed basis and items must not be stored or left unattended in exercise yards where they may be used as weapons. For security reasons, all recreational or general equipment that is issued to a prisoner which is not a fixture, must be removed from access and secured on completion of the purpose for which it was issued.

6. Duties of Officers in a Detention Unit

A log book must be maintained for all Detention Units. Refer to the COPD Daily Operations: Gate Books, Log Books and Registers.

Officers carrying out duties in a detention unit must ensure that the following is undertaken and recorded in the unit log book:

- a) a prisoner undergoing separate confinement is given the opportunity to exercise, in the fresh air, for at least two daylight hours a day. Refer to section 4(d) of the CSR;
- b) regular unit patrols are conducted during the shift;
- c) significant behavioural observations or change to the prisoner's status is recorded and reported to the relevant supervisor;
- d) the prisoner's cell is searched before and after the completion of the prisoner's placement in a detention unit;
- e) each cell and all security fittings are searched at least once a day;
- f) bars and mesh fitted to all cells, windows, exercise yards and other common areas are examined and tapped or checked during unlock and lock away;
- g) a search requiring the removal of clothing must be conducted in accordance with the Chief Executive's Direction for a Search of Prisoners Requiring the Removal of Clothing of Prisoners and section 38 of the CSA, before the prisoner begins separate confinement;
- h) all items, including meals, are searched before entry into a detention unit; and





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- i) prisoners providing goods and services must not be granted access to a detention unit cell that is occupied and must be closely monitored at all times. This does not include a prisoner who may be approved by the Chief Superintendent of the corrective services facility or nominee to clean the detention unit.

7. Application of Restraints

To prevent a prisoner from harming themselves or others, restraints may need to be applied that result in the prisoner having significantly restricted movement.

Staff need to ensure that the application of restraints meets procedural and legislative requirements and is:

- a) reasonable in the circumstances;
- b) necessary; and
- c) proportionate to the seriousness of the circumstances.

Any restriction should be to the lowest level possible while still ensuring:

- a) the prisoner's opportunity to self-harm or harm others is limited to an acceptable level of risk; and
- b) the officers' safety is protected.

In the event that restraints are applied, in addition to the log book requirements, staff rostered to detention units must record:

- a) the time the restraints were applied and when they were removed;
- b) the times apparent good health checks of the prisoner were conducted;
- c) the attendance of medical staff; and
- d) daily cell searches and equipment testing.

Refer to the Appendix SSE24 Safety and Security Equipment Reference Table, QCS Tactical Options Manual and the COPD Tactical Options Response - Use of Force.

Corrective services officers must ensure that prisoners who are restrained are appropriately monitored and that restraints are only applied for the time that is necessary to mitigate the risk posed by the prisoner.

This section does not apply to prisoners who have restraints applied in accordance with the Appendix ESC1 Escort Staffing, Weapons and Restraint Matrix for external escorts.

8. Record Keeping

The Chief Superintendent of a corrective services facility must ensure:

- a) a copy of the instrument authorising the separate confinement of the prisoner is held in the Detention Unit; and
- b) any management plans relevant to the prisoner are available for staff including an At-Risk Management Plan, Intensive Management Plan, Elevated Baseline Risk or Safer Engagement Strategy where applicable.

A supervisor must check the welfare of prisoners accommodated in the detention unit at least once during their shift or as required under any observation regime. This must be recorded in the unit log book.





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A supervisor must ensure that any officer performing duties in the detention unit are aware of their responsibility for entering details, including case notes in IOMS and the unit log book as required. It is to include all elements outlined in the COPD Facility Security: Security Management Systems and Intercoms and this COPD.

Refer to the COPD Daily Operations: Gate Books, Log Books and Registers.

9. Daily Routine

The Chief Superintendent of a corrective services facility must document the daily routine and privileges for prisoners detained in the detention unit.

Refer to the following appendices and forms:

- a) ACC7 Example Daily Routine Detention Unit – Separate Confinement,
- b) Appendix ACC8 Standard Behaviour Requirements – Separate Confinement,
- c) Appendix ACC11 Example Daily Routine Detention Unit – Safety Order,
- d) Administrative Form 76 Detention Unit Prisoner Accommodation Conditions – Separate Confinement,
- e) Administrative Form 77 Detention Unit Prisoner Accommodation Conditions, and
- f) Administrative Form 78 Detention Unit Prisoner Accommodation Conditions – Safety Order.

10. Staff Access

Only those persons authorised by the Chief Superintendent of a corrective services facility may access a detention unit.

The Chief Superintendent of a corrective services facility must develop processes that ensure specialist staff are able to access the unit when required, enabling them to provide the required level of intervention.

The Chief Superintendent of a corrective services facility must specify the minimum requirements for staff accessing a cell and escort arrangements, which take into account the reasons for detention, any particular risks posed by the individual prisoner or the specific requirements of the order.

11. Prisoner Privileges

The Chief Superintendent of a corrective services facility must provide for a prisoner's individual needs and consider their human rights in accordance with the reason for their confinement in a detention unit. Consideration must be given for access to:

- a) property (items in cell);
- b) use of plastic plates and cutlery;
- c) telephone calls, mail, visits;
- d) exercise; and
- e) programs, activities and services.

For further details regarding a prisoner undergoing separate confinement refer to section 4 of CSR, the Appendix ACC10 Detention Unit – Authorised Property – Separate Confinement and the Appendix ACC9 Detention Unit Authorised Property – Safety Order.





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12. Health Concerns

For self-harm/suicide concerns refer to the COPD At Risk Management: At Risk.

A prisoner undergoing separate confinement for a breach of discipline must be examined by a doctor or nurse for any health concerns as soon as practicable after the order takes effect and after the order ceases to have effect. Refer to section 121 of the CSA.

A prisoner who is separately confined under the authority of a safety order in accordance with section 53 of the CSA, must be examined for any health concerns:

- a) as soon as practicable after the order is made; and
- b) subsequently, at intervals of not more than seven days for the duration of the order. Refer to section 57 of the CSA.

Officers must immediately refer any medical needs of a detention unit prisoner to the Queensland Health Nurse Unit Manager and/or a registered nurse.

The Chief Superintendent of a corrective services facility or nominee, in consultation with the Nurse Unit Manager, where applicable, may determine more frequent services in accordance with a prisoner's medical needs or the operational needs of the corrective services facility. A record of that consultation must be recorded in IOMS.

If a prisoner requires medical treatment that cannot be provided in the detention unit, the prisoner must be removed to the Queensland Health centre located within the corrective services facility with the approval of the Chief Superintendent of a corrective services facility.

13. Electronic Visual and Audio Recordings

The Chief Superintendent of the corrective services facility must provide for the use and storage of electronic visual/audio recordings used in a detention unit and account for all recordings in accordance with the requirements of the COPD Facility Security: Security Management Systems and Intercoms.

Any electronic visual and audio recording registers and log books must be managed in accordance with the QCS Retention and Disposal Schedule.

Electronic visual and audio recordings which depict the commission of an offence in a detention unit, must be treated as evidence and removed from circulation and secured at the direction of the Chief Superintendent of the corrective services facility, or nominee.

Refer to the COPD Facility Security: Security Management Systems and Intercoms.

The Chief Superintendent of a corrective services facility must ensure that all personnel operating closed circuit television monitoring and recording devices are acting in accordance with the requirements of the Code of Conduct for the Queensland Public Service and [Management of Closed Circuit Television and Body Worn Camera Systems Policy](#).

