



# Sentence Management

## Admission and Induction

SM

### Custodial Operations Practice Directive

Process Owner: Custodial Operations <u>and</u> Specialist Operations	Security Classification: Official/Public
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Scope
<ol style="list-style-type: none"><li>1. Human Rights</li><li>2. Limitation of Human Rights</li><li>3. Internal Oversight and Review Controls</li><li>4. Capacity Management Processes</li><li>5. Admission and Induction</li><li>6. Prisoner Arrival and Admission</li></ol>

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### Custodial Operations Practice Directive

## 1. Human Rights

To ensure corrective services officers act or make decisions in a way that is compatible with human rights, officers must give proper consideration to human rights relevant to the decision including but not limited to:

- a) liberty and security of person;
- b) privacy and to reputation;
- c) cultural rights – generally and for Aboriginal peoples and Torres Strait Islander peoples;
- d) protection of families and children;
- e) right to health services
- f) property rights; and
- g) humane treatment when deprived of liberty.

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

## 2. Limitation of Human Rights

When considering whether an act or decision which limits a human right is 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 liberty and security of person, provides that every person has the right to not be deprived of their liberty except on grounds, and in accordance with procedures, established by law.
- b) The nature and purpose of the limitation - this involves considering the actual purpose or legitimate aim/reason for limiting the human right. For example, when prisoners are being admitted and inducted into a Queensland Corrective Services (QCS) facility their right to liberty is necessarily limited to ensure community safety through humane containment.
- c) The relationship between the limitation and its purpose – this involves considering the rational connection between the limitation of the right and whether this will assist with achieving the purpose or legitimate aim. For example, limiting a prisoner's liberty, in accordance with legislation and procedures detailed in this document, contributes towards community safety.
- d) Whether there are any less restrictive and reasonable ways to achieve the purpose – this involves a 'necessity analysis' where the purpose of the limitation is considered and whether it can be achieved in any other way. For example, when a prisoner is being admitted and inducted into QCS custody, ensuring that all of the required documentation is present and accurate.
- e) The importance between the purpose of the limitation and preserving the human right - this involves balancing the benefits obtained by the limitation with the impact of the limitation on the human right. For example, does the benefit to community safety derived from limiting a prisoner's right to liberty and security of person outweigh the limitation to the human right?

QCS staff must treat all prisoners with respect. Prisoners must not be discriminated against or harassed on the grounds of their medical condition, sexual identity, gender identity, intersex status or related issues.

Considerations relevant to the Lesbian, Gay, Bisexual, Trans/transgender, Intersex, Queer/questioning and Asexual (LGBTIQA+) cohort of prisoners (where this is known) must be taken into account during any decision making. Decisions are to be made on a case-by-case basis following an individualised assessment of relevant factors, including relevant human rights and the reasonableness of the actions being considered.





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## 3. Internal Oversight and Review Controls

Sentence Management Services (SMS) are responsible for the internal oversight and review of key risk areas. Refer to the Internal Oversight and Review Controls attached in the 'related directives and documents' menu of this Custodial Operations Practice Directive (COPD) and the Administrative Form 140 Internal Oversight Control – Temporary Role Variation Request Form.

## 4. Capacity Management Processes

In accordance with section 6 of the *Corrective Services Act 2006* (CSA), an adult person sentenced to a period of imprisonment, remanded in custody or required by law to be detained for a period, must be detained in a corrective services facility.

Where the period is 21 days or less, the person may be detained in a watch-house for part of, or all of that period. Where the period is more than 21 days, the person may be detained in a watch-house until the person can be conveniently taken to a corrective services facility.

SMS staff across the state work closely with local watch-houses to prioritise lawful detention and transfer into QCS custody, determining the safest and most expedient transfer of prisoners.

QCS endeavours to support the Queensland Police Services (QPS) by operating at maximum capacity and receiving prisoners as soon as practicable across the state.

The Sentence Management Operations business unit is responsible for coordinating inter-regional movements.

Refer to section 4.1 Lawful admission tool, of this COPD for information regarding the pre-admission process.

### 4.1 Lawful admission tool

Section 9 of the CSA provides authority for admission to a corrective services facility and requires that:

- (1) A person (the detainee) must not be admitted to or detained in a corrective services facility unless the person responsible for admitting prisoners at the facility is given:
  - a) a warrant for a detainee's detention;
  - b) a verdict and judgement record under the *Criminal Practice Rules 1999* containing the name of the detainee and particulars of the judgement pronounced on the detainee; or
  - c) a record, under the *Penalties and Sentences Act 1992*, of the order committing the detainee into custody.
- (2) Despite the provisions of a warrant, record or order committing a person to a specified corrective services facility or a watch-house, the person may be taken to and detained in a corrective services facility specified by the Chief Executive.

SMS consider each prisoner's individual circumstance and identify the prisoners to be received into their respective corrective services facility.

The Lawful Detention Unit (LDU) complete the required pre-admission checks via the Administrative Form 1 Lawful Admission Tool, thereby validating the prisoner's lawful detention.





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The Administrative Form 1 Lawful Admission Tool must be completed prior to receiving a prisoner into QCS custody. Accompanying documents, the Administrative Form 11A New Reception and Sentence Calculation Tool (Lawful Detention Unit) and Administrative Form 11B New Reception Tool (Centre SMS), provide guidance to the relevant business unit on the completion of each section of the tool. The completed Administrative Form 1 Lawful Admission Tool must be scanned and attached to the prisoner's IOMS profile when received into QCS custody.

SMS must provide a list of prisoners who have been approved for transfer from QPS to QCS custody, on the business day prior to the prisoner's transfer to:

- a) the relevant QPS watch-house;
- b) the Chief Superintendent of the corrective services facility; and
- c) other identified stakeholders.

#### 4.2 Managing admissions within limited capacity

In some circumstances where there is limited capacity across the system, or operational capacity issues at a local or system level, it will be necessary to employ additional measures. This may include reallocating resources (e.g. supplementing offender development team resources to maintain or increase admissions) or implementing statewide coordination. Statewide coordination may include centralised oversight and coordination of admissions, resulting in instances where local watch-house admissions may be postponed in order to prioritise admissions from other watch-house locations. In this circumstance, prisoners within local watch-houses may need to be held in the watch-house for longer periods.

When a corrective services facility is experiencing limited capacity to this extent, this is to be communicated to the Superintendent, Operations, SMS for stakeholder engagement and communication.

Where operational capacity issues are being experienced, the pre-admission process will prioritise:

- a) women;
- b) First Nations prisoners;
- c) protection prisoners; and
- d) prisoners who have significant medical issues that cannot be appropriately managed in the watch-house.

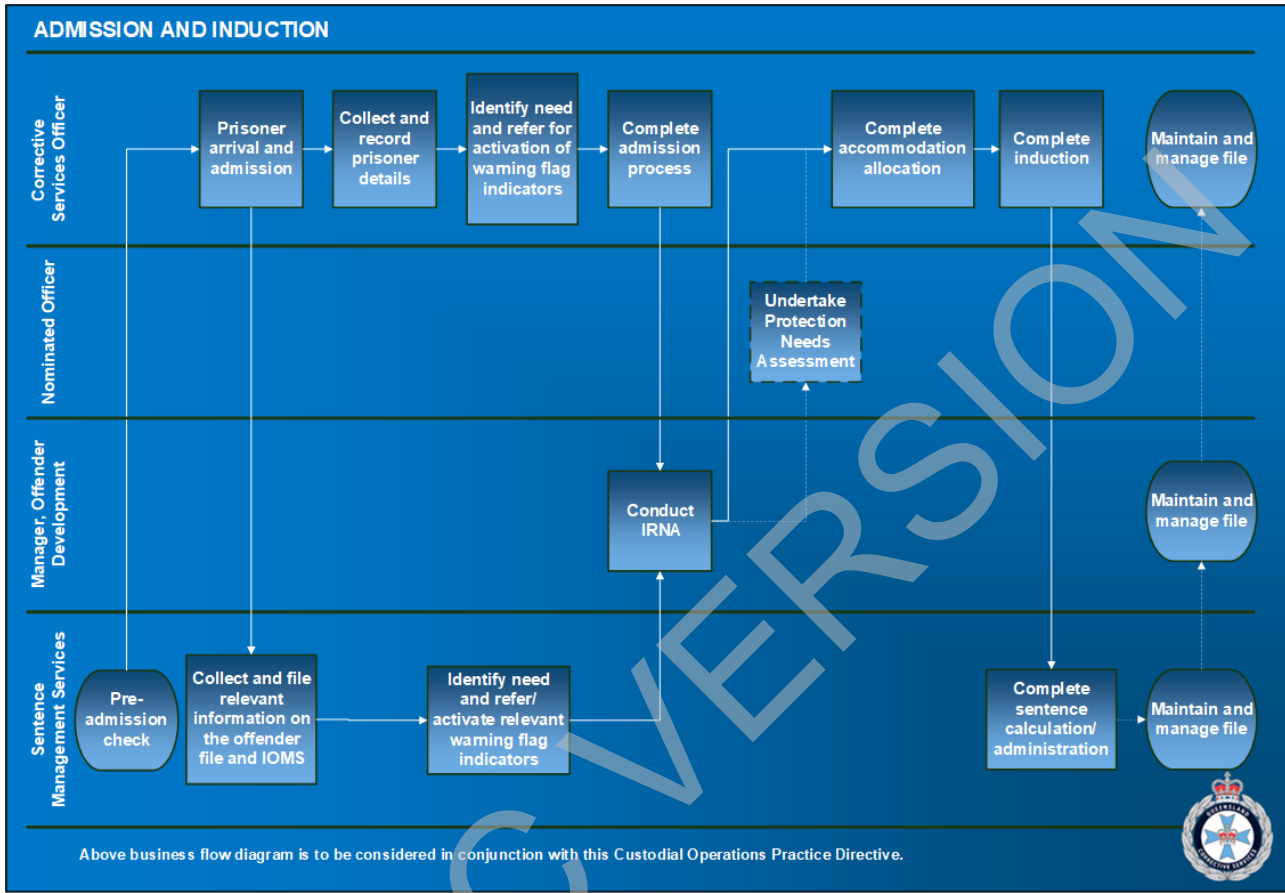
In circumstances where a prisoner may be admitted to a corrective services facility in a region other than the region in which they reside, QCS will make all efforts to transfer that prisoner to a corrective services facility within their home region during their period of imprisonment.





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## 5. Admission and Induction



Admission is the first point at which a prisoner enters a QCS facility, for each correctional episode or arrival after transfer from Community Corrections supervision. The process includes collection and recording of relevant information in the Integrated Offender Management System (IOMS) and assessing and managing any immediate risks and needs.

For further information regarding additional considerations during the admissions and induction process, refer to the following COPDs:

- Reception Processes: Admission and Assessments;
- Transgender and Diverse Prisoners;
- Terrorist Prisoners: Terrorist Prisoner Management; and
- Terrorist Prisoners: Preventative Detention Orders.





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## 6. Prisoner Arrival and Admission

### 6.1 Create/manage offender file

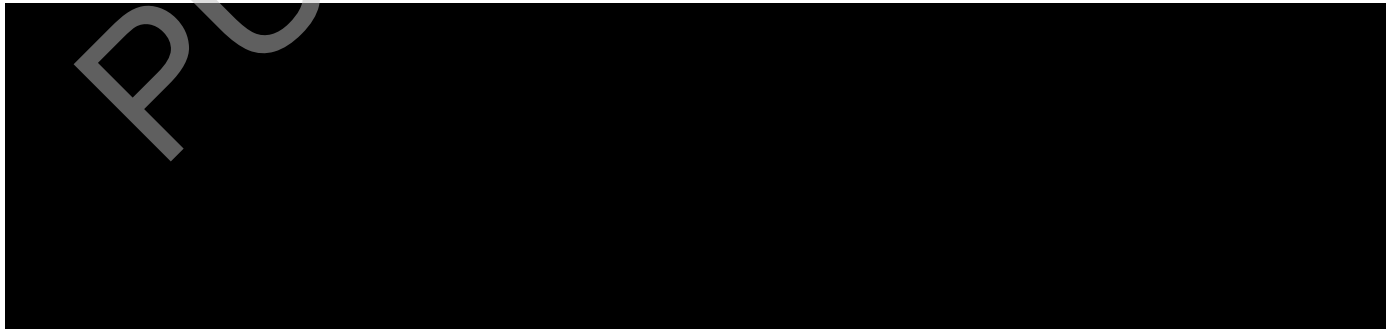
All prisoners admitted to QCS custody require the creation of an Offender File. The Offender File must be registered on the RecFind database. In all instances where an Offender File is received from a Community Corrections location, this must be accepted and archived with all actions recorded in the RecFind database.



Exceptions are recorded below:

#### 6.1.1 *Dangerous Prisoners (Sexual Offenders) Act 2003*

SMS will conduct an IOMS search to identify any prisoners being admitted who were, immediately prior to admission, being supervised under the *Dangerous Prisoners (Sexual Offenders) Act 2003* (DPSOA). Where the prisoner was supervised as a DPSOA offender, the Offender File must be requested from the High-Risk Offender Management Unit (HROMU). Upon receipt, acceptance of the file must be recorded in the RecFind system.





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#### 6.2 Collect and record prisoner details

SMS are to collect and file relevant information on the Offender File and electronically in IOMS including:

- lawful detention related documents (warrants, court orders, interstate transfer, suspension or cancellation orders, protection orders) or other reports; and
- sentencing remarks, court transcripts, police briefs, adult and juvenile criminal history.

##### 6.2.1 Obtaining documents via the QPS SCRAM portal

Sentence Management staff may access the QPS SCRAM portal to retrieve Queensland Criminal Histories and QP9s to support sentence management operational requirements for assessments and/or decision making.

Staff members requesting access to the SCRAM portal must complete Part 1 of the Request for External USER Access to SCRAM R2 form. SMS Managers are responsible for emailing the completed form to [REDACTED] who will forward these onto QPS for processing to allow access to the portal.

The SCRAM Portal User Guide (Self Service of Document Retrieval) provides instruction and detailed screenshots as to accessing the URL, navigating the system and retrieving the intended documents.

Should the functions of an SMS staff member no longer require access to SCRAM, or if they exit QCS, SMS Managers are responsible for emailing [REDACTED] to request removal of their access.

##### 6.2.2 Historical or interstate documents

When a prisoner's documents cannot be accessed via the SCRAM portal (including interstate criminal histories and QP9s, or QP9s that predate October 2008), they are to be requested by:

- completing the QPS email template request in full;
- email subject line to read IOMS ID – CH/QP9 – prisoner's full name – SM location – date required (urgent only);
- attach all relevant court documentation to the email to facilitate request (i.e. the VJR);
- urgent requests are to be identified in the email with an explanation as to the urgency of the request otherwise QPSIC will not prioritise processing; and
- forward the email request to [REDACTED] from the generic inbox at your location.

The QPS Information Centre will return email the documents directly to the inbox where the original request was made.

##### 6.2.3 Attaching documents in IOMS

Upon receipt of the Queensland Person History, Queensland Court Outcomes History, QP9s or Interstate/New Zealand Histories, the documents are to be attached to IOMS by the receiving location according to the instructions in the Appendix SM17 Sentence Administration IOMS Attachments - Document Naming Conventions. This is to ensure consistency in attachment practice.

SMS staff are to comply with the Appendix SM17 Sentence Administration IOMS Attachments - Document Naming Conventions when selecting the 'type' and 'sub-type' to best represent the police document that is being attached (page 2) and note in the description the date the document was printed by QPS.







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The request is to be attached to IOMS confirming that the request has been made. This request is then to be removed once the requested documents have been received and attached to IOMS.

#### 6.2.4 Sentencing remarks and transcripts

SMS staff are to request audio or transcripts of court proceedings using the QTranscripts platform at [www.qtranscripts.justice.qld.gov.au](http://www.qtranscripts.justice.qld.gov.au). Individuals are required to provide proof of ID to register with QTranscripts. All staff must create a QGov account using their QCS email address (**not** personal email) and must provide 100 points of ID (for example, driver licence and Medicare card) in order to register with QTranscripts.

QCS will not ordinarily incur a fee for requests relating to sentencing remarks, for example, a request for Supreme or District Court Sentencing remarks that supports SMS activities. However, subsequent/repeat requests, requests relating to Court of Appeal decisions and requests made on behalf of the Parole Board Queensland (PBQ) for sentencing remarks which are not required to support SMS activities will incur a fee.

Where the PBQ have requested SMS request sentencing remarks, this should not be flagged as a PBQ request as SMS would have been requesting these remarks to support SMS related activities. The QTranscripts Support Library provides instructions, articles and Frequently Asked Questions to assist staff in using QTranscripts.

#### 6.2.5 Exhibits available at sentencing

Where a Verdict and Judgement Record or sentencing remarks direct an exhibit be made available to QCS, this exhibit is able to be requested at any time when deemed necessary by a specialised business unit (e.g. Specialised Clinical Services, Prisoner Progression).

To request these exhibits, the relevant SMS business unit will submit a search and copy request to Court Services Queensland (<https://www.courts.qld.gov.au/services/search-for-a-court-file/search-and-copy-court-documents>) and select 'complete our online form'.

Upon receipt of the exhibit, this should be saved in a secure file or folder as per the Appendix R2 File Model Requirements. This exhibit is not to be saved on IOMS or on the Offender file.

Where an exhibit is received at the time of the prisoner's admission into QCS custody or sentencing, SMS must determine the appropriate QCS business unit to retain this document. Health and medical information is to be included only in the prisoner's Queensland Health medical file.

Only information that is required to fulfil the responsibilities of government and the community may be collected and maintained by QCS in accordance with the Appendix R2 File Model Requirements.

### 6.3 Identify need and refer for activation of warning flag indicators

All corrective services officers must familiarise themselves with the Appendix SM1 Criteria for Warning Flag Indicators and refer a prisoner to the responsible authorising officer for activation or deactivation of any relevant warning flag indicators.





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#### 6.4 Prisoners born in another country

Prisoners identified on admission as being born in another country are to be brought to the attention of the Australian Border Force (ABF) by SMS. The LDU will notify ABF in all instances using the following email addresses:

- a) for sentenced prisoners: [REDACTED] and
- b) for remand prisoners: [REDACTED]

and CC [REDACTED]

When providing information to ABF please include the prisoner's full name and date of birth. Where the information is available, SMS are also to include the prisoner's Court Ordered or Parole Eligibility date as well as their Custodial End Date.

##### 6.4.1 Correspondence

Correspondence received from the ABF for a prisoner is to be issued within one business day of it being received by SMS, to allow the prisoner the maximum amount of time to respond as per the timeframe outlined in the correspondence. A case note must also be entered confirming the date the correspondence was provided to the prisoner.

##### 6.4.2 Prisoners requiring language assistance

Prisoners who have expressed or are observed to have difficulty communicating in English or are hearing/language impaired are entitled to the provision of accredited language assistance. If there is any doubt about the prisoner's English language communication skills, language assistance must be provided. Interpreters must be accredited in accordance with standards determined by the National Accreditation of Translators and Interpreters. Refer to the Appendix PE2 Translating and Interpreting Service Process.

PUBLIC INFORMATION

