



Sentence Management

Assessment and Planning

SM

Custodial Operations Practice Directive

Process Owner: Custodial Operations and Specialist Operations	Security Classification: OFFICIAL/PUBLIC
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Version: 07	Implementation date: 17/04/2025	Review date: 2027
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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) the right to equal and effective protection against discrimination;
- b) the person's cultural rights, both generally and for Aboriginal peoples and Torres Strait Islander peoples;
- c) the person's right to be treated with humanity and respect when deprived of liberty;
- d) freedom of expression, that is the right to hold an opinion without interference;
- e) the right to privacy and reputation; and
- f) the right to access, based on a person's abilities, to further vocational education and training that is equally accessible to all.

2. Limitation of Human Rights

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

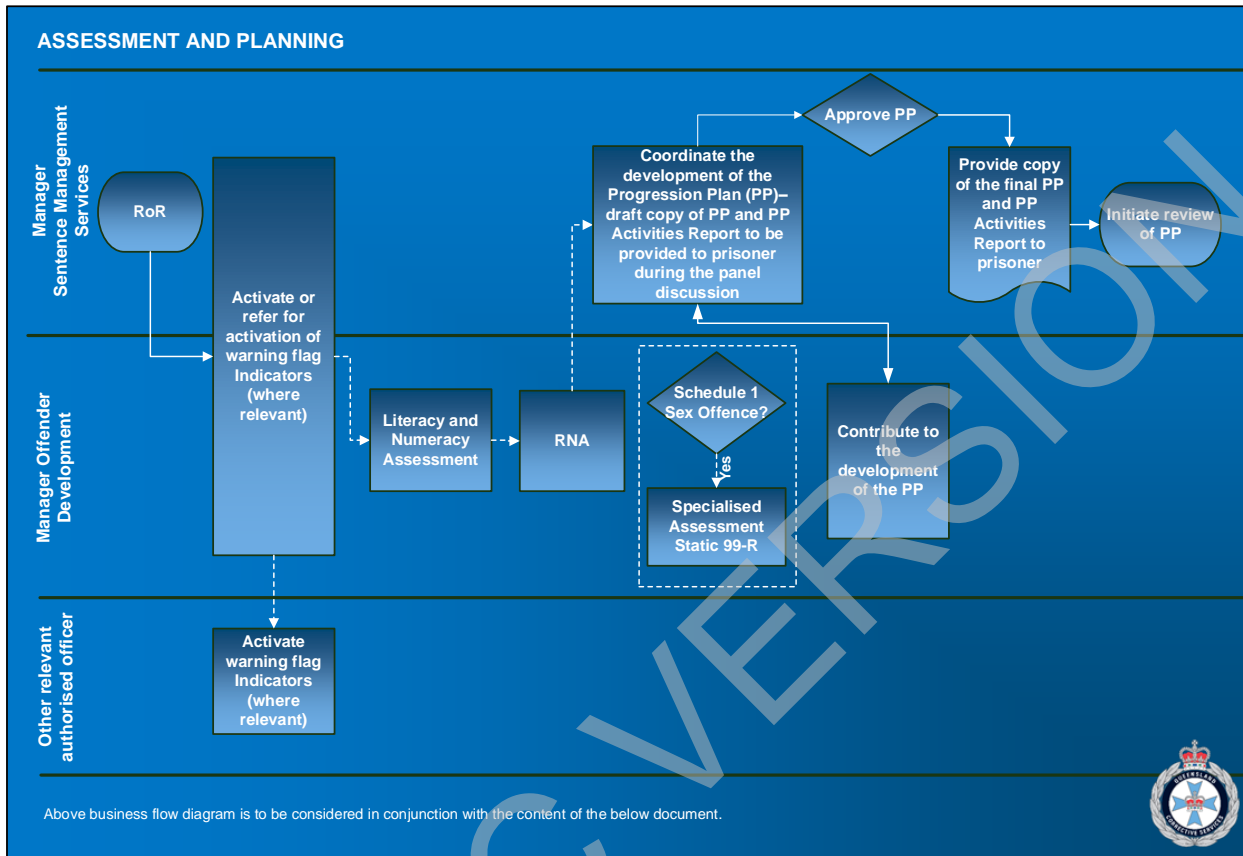
- a) The nature of the human right – this involves looking at the purpose and underlying value of the human right. For example, all persons have the right to privacy and for this not to be arbitrarily interfered with.
- b) The nature and purpose of the limitation – this involves considering the actual purpose or legitimate aim/reason for limiting the human right. For example, sufficient information must be obtained about a person's background and treatment needs to determine their suitability to participate in programs and interventions, which in terms impacts placement decisions.
- 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 actually help to achieve said purpose or legitimate aim. For example, collection of information about education, offending history and personal circumstances as part of the assessment process enables appropriate placement and management of prisoners in centres which best address their criminogenic and rehabilitative needs.
- d) Whether there are any less restrictive and reasonable ways to achieve the purpose – this involves a 'necessity analysis' where it is necessary to consider the purpose of the limitation and if it can be achieved any other way. For example, appropriate placement of prisoners cannot be achieved if personal information is not collected during the assessment process.
- e) The importance between the purpose of the limitation and preserving the human right – this involves a balancing exercise of the benefits obtained by the limitation vs the harm caused by the human right. The greater the limitation of the right, the more important the purpose will need to be to justify the limitation. For example, does the importance of collecting personal information during the assessment process outweigh the limitation on a person's right to privacy?

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





3. Assessment and Planning Process Map



4. Assessment and Planning Considerations

Queensland Corrective Services (QCS) staff must treat all prisoners with respect. Prisoners must not be discriminated against or harassed on the grounds of any medical condition, cultural needs, sexual identity, gender identity, intersex status or related issues.

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 and the vulnerabilities of the individual prisoner. Refer to the Custodial Operations Practice Directives (COPDs) Trans and Gender Diverse Prisoners, Prisoners of Concern and Female Prisoners and Children.

There are minimum standards which must be met when completing assessments:

- a) content of assessments should:
 - i. be relevant to the prisoners' risks and needs;
 - ii. utilise information drawn from interview and available collateral sources;
 - iii. be accurately recorded; and
 - iv. comply with relevant privacy restrictions and user guides/manuals.
- b) comments within the assessment should:
 - i. use correct grammar and spelling;
 - ii. use appropriate formatting and logical structure;





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- iii. be objective, rather than subjective;
- iv. be concise (avoid jargon), comprehensive, logical and coherent;
- v. identify sources of collateral information;
- vi. be written with cultural and gender sensitivity;
- vii. include analysis of information gathered; and
- viii. be free from ambiguous and unnecessary information or inferences.

For information regarding assessment and planning processes not primarily actioned by Sentence Management Services (SMS) refer to the COPD Offender Pathways for information about Literacy and Numeracy assessments, Rehabilitation Needs Assessment (RNA), and Specialised Assessment – Static-99R.

Where a Static-99R is completed for a prisoner who is case managed, SMS should also refer to the E2E Case Management Appendix Recording Static-99R Assessment Outcomes.

For information regarding additional considerations for assessment and planning processes in relation to:

- b) interstate transfers - refer to the COPD Sentence Management: Transfers;
- c) transgender prisoners - refer to the COPD Trans and Gender Diverse Prisoners; and
- d) Aboriginal and Torres Strait Islander prisoners - refer to the COPD Offender Pathways and the Appendix PD9 Rehabilitation Needs Assessment Instruction Manual.

For information about Dangerous Prisoners (Sexual Offenders) Act Orders and the High Risk Offender Management Unit (HROMU) please refer to the:

- a) COPD Community Engagement: Dangerous Prisoners (Sexual Offenders) Act and Reportable Offenders; and
- b) Appendix CE4 Roles and Responsibilities for DPSOA Prisoners.

5. Risk of Reoffending (RoR) Screening Tool

The Risk of Reoffending Screening Tool is administered once at the commencement of each new correctional episode to determine a prisoner's general risk of reoffending and to inform eligibility for QCS intervention programs.

The Risk of Reoffending - Prison Version (RoR-PV) must be calculated in the Integrated Offender Management System (IOMS) for all prisoners, excluding prisoners held in custody on remand only and/or fine default periods of imprisonment only.

The RoR must not be administered for prisoners who already have a RoR score (either RoR-PV or RoR – Probation and Parole Version (RoR-PPV)) for the current correctional episode. The RoR may only be readministered to determine any changes to intervention program eligibility if a sentenced prisoner with outstanding charges committed prior to the current correctional episode is subsequently convicted of the outstanding charges.

The RoR is to be calculated within one business day of warrants being received and entered in IOMS. The Manager, Sentence Management Services is responsible for ensuring this occurs. Refer to the Risk of Reoffending – Prison Version Screening Tool Administration Manual.





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Professional discretion may be applied to determine a prisoner's eligibility for QCS intervention programs in outlier cases including extensive juvenile or interstate correctional history and further offending.

6. Activate or Refer for Activation of Warning Flag Indicators

Warning flag indicators are used to highlight in IOMS any current and/or historical factors that must be taken into consideration in the management of a prisoner throughout their sentence. Warning flags will not in themselves limit or restrict human rights as individual factors will be considered in each case as described in the Appendix SM7 Progression Plan Instruction Manual.



All prisoners must undergo preliminary assessment and be assessed on an ongoing basis throughout their sentence for activation or deactivation of any relevant warning flag indicators in IOMS in accordance with the Appendix SM1 Criteria for Warning Flag Indicators.

Where necessary the other relevant authorised officers must activate or deactivate any relevant warning flag indicators and establish a process that ensures any relevant warning flag indicators are activated or deactivated at appropriate points throughout a prisoner's sentence.

At a minimum all prisoners must be assessed for identification as Serious Offenders Unit (SOU), High Profile (HP) or Identified Risk (IR). Refer to the Appendix SM1 Criteria for Warning Flag Indicators, Appendix SM14 Serious Offenders Unit Cohort Guidelines and Appendix INT3 Criteria for Identified Risk Prisoners.

6.1 Serious Offenders Unit (SOU)

Refer to the Appendix SM14 Serious Offenders Unit Cohort Guidelines for information regarding the activation of the SOU warning flag.

6.2 High Profile (HP)

HP includes prisoners that have been subject to, or would be likely to generate, recurrent or significant media interest while in custody or under the supervision of QCS. This may include those that have been charged or convicted of crimes of an exceptional nature, the offender was previously in a position of trust (e.g. an ex-politician or ex-police officer) or generates media interest due to their profile within the community (e.g. celebrity status or sporting figure).

6.3 Identified Risk (IR)

Sentence Management Services must ensure the Intelligence Officer is advised as soon as possible after the prisoner's criminal history has been received if the prisoner has any conviction/s for escape, attempted escape or assist/procure escape and/or assault of a Queensland Police Service officer or a corrective services officer.

If information indicates a prisoner presents with an elevated risk of escape or has demonstrated problematic behaviours to indicate a higher level of supervision and management may be required (e.g. a risk of assaulting staff), the prisoner must be assessed in accordance with the Appendix INT3 Criteria for Identification of Identified Risk Prisoners and the Appendix SM1 Criteria for Warning Flag Indicators.





7. Progression Plan

The Progression Plan (PP) may be developed and entered in IOMS for prisoners serving in excess of 12 months custodial imprisonment (to be calculated from the date of sentencing, excluding pre-sentence custody), who are not being case managed.

Prisoners assessed as suitable for immediate placement in a low custody facility do not require a PP. Prisoners subject to the *Dangerous Prisoners (Sexual Offenders) Act 2003* (DPSOA) do not require a PP as their progression is managed by HROMU and the courts.

Prisoners without a PP are able to self-refer to low intensity programs and may participate if they are willing, have a need which would be addressed by the program and have sufficient time to complete the program.

Where a PP is considered to be suitable, Sentence Management Services will coordinate the development of the PP with input from relevant corrective services facility staff via appropriate assessment tools and attend an interview with the prisoner to develop the PP. Refer to the Appendix SM5 Sentence Management Interview Process.

For prisoners who are identified as having special needs, additional support may be provided through the Manager Offender Development. Refer to the COPD Prisoners of Concern.

SMS must ensure that a draft copy of the PP and the PP activity report is provided to prisoners at the commencement of all discussions relating to the initial development of a PP to ensure they have an opportunity to read the documents and are able to refer to them during the discussion. Prisoners should be permitted to retain this copy of the PP and must be provided a copy of the final PP once it is approved.

The PP is to be developed in accordance with the Appendix SM7 Progression Plan Instruction Manual. The PP must include:

- a) a prisoner's risk/needs;
- b) educational needs in the areas of literacy/numeracy, secondary, tertiary and VET; and
- c) provision of clearly specified learning objectives to enable prisoners to meet identified needs within negotiated and reasonable timeframes.

The PP should take into account the needs of specific prisoner groups, including a prisoner's learning style and ability, cognitive impairments, gender, physical disability and cultural diversity. Relevant professionals may need to be consulted to assist if the prisoner has complex needs. The prisoner's attitude towards identified programs and any relevant comments are to be documented in the PP prior to approval. The prisoner should be advised of possible outcomes if they choose not to comply with their PP.

7.1 Timeframe, responsible officer and approval and review

The PP must be completed and approved within three weeks of relevant assessments being completed (such as the RNA) and following sentence.

For female prisoners, the PP is to be completed and approved within eight weeks of admission following sentencing. This is to allow for sufficient time to complete an assessment for immediate placement in a low custody facility which may negate the need for a PP.





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The additional time allowed is to further accommodate the robust approach to low custody triage for all female prisoners, regardless of sentence length. Women are considered for low custody as a first option where possible.

The Manager SMS, with input from relevant corrective services facility staff via appropriate assessment tools, is the responsible officer for the PP. For special needs prisoners the completion of the PP is to be at the discretion of the Manager Offender Development or delegate via direct liaison where deemed necessary.

The relevant Specialist Operations Manager is responsible for the approval and review of the above.

7.2 Transfer from Community Corrections

Prisoners admitted to a corrective services facility from Community Corrections supervision during the same correctional episode may have a Benchmark Assessment completed in IOMS. This assessment should be referenced when developing a PP.



8. Provide Copy of Progression Plan to Prisoner

Sentence Management Services must provide a copy of the approved PP to the prisoner, as well as the activity report available from reporting services.

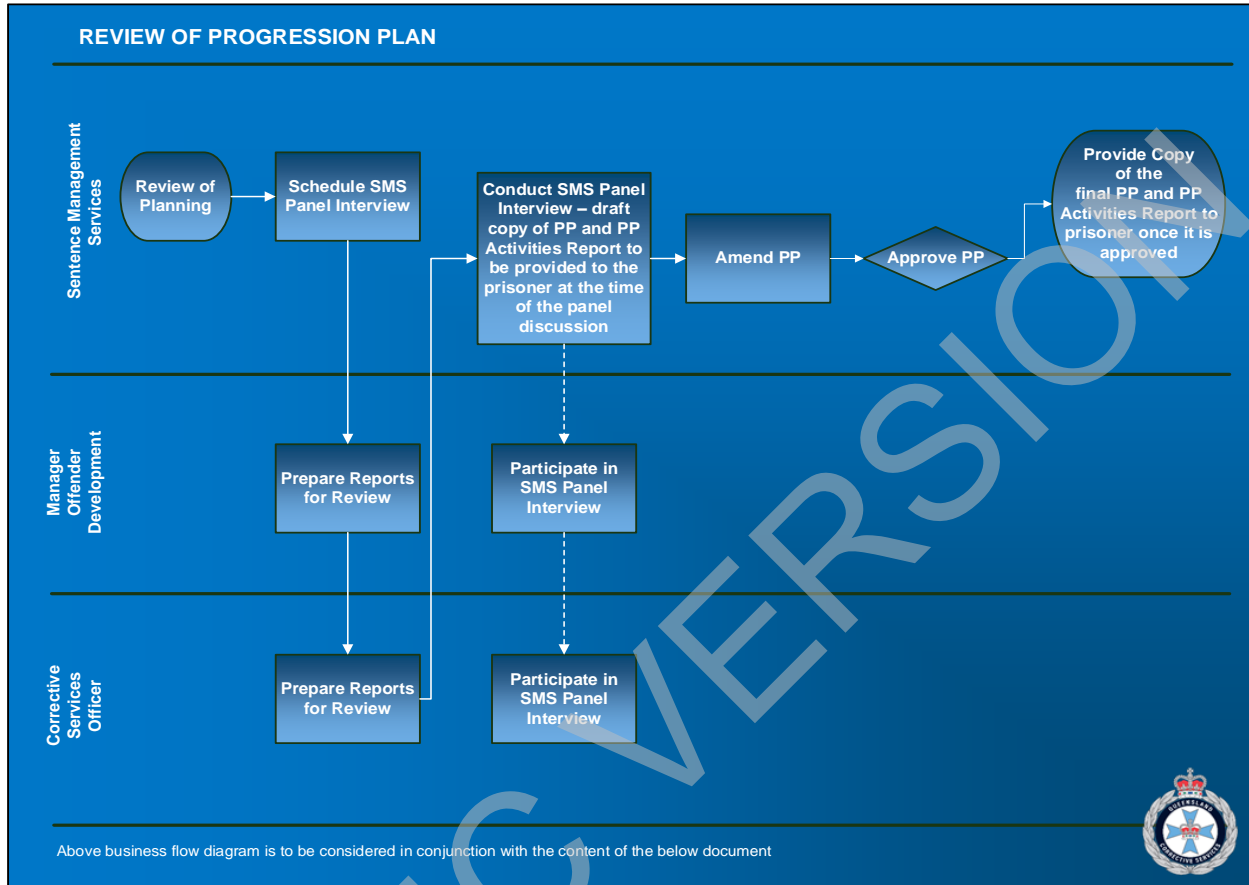
9. Initiate a Review of the Progression Plan

The PP must be reviewed throughout the duration of the prisoner's sentence as per the guidelines in the Appendix SM7 Progression Plan Instruction Manual.





10. Review of Progression Plan Process



Minimum Review Timeframes		
Review Type	Prisoner Category	Review of PP
Scheduled Review	Maximum Security Unit	To be reviewed at time of reintegration from MSU.
	High Security Classification (excluding remand legal status)	As determined at the point of initial or previous review.
	Low Security Classification	When required.
Event-based Review	All	Following a significant event that has a potential to impact on a prisoner's PP.

When the PP is completed, the capacity to make amendments to the plan exists through conducting a further plan.

A review of a prisoner's PP must capture factors relevant to past events in the current correctional episode as well as addressing future short and long-term planning objectives. As the prisoner's sentence progresses changes to their circumstances may emerge.





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The prisoners overarching progression objectives and program recommendations should be varied to accommodate the changes including completion of a program or an amended program recommendation or changes to family circumstances etc.

The focus of a review of planning is on:

- the period since the development of the PP;
- the remaining period of the prisoner's current correctional episode;
- pre-release and post-release community reintegration needs; and
- the prisoner's progress in achieving the established progression objectives.

Staff are to refer to the prisoner's PP and identify the activities relevant to the prisoner's plan to be achieved during the next review period. In determining the activities staff must consider the response to date including whether the prisoner is well positioned or not to engage in the identified objectives, staff must also utilise the Activity Report from Reporting Services. For example, the prisoner now has sufficient literacy skills to undertake a vocational training course or the assessment for interview in a specific program identifies there are no current responsivity barriers to program inclusion. It will also be necessary to ensure that the activities are appropriate to the stage of sentence and sequencing of activities is appropriate.

A review of planning including the agreed goals to be achieved during the next PP period is to be recorded in the PP and SM-DMR in IOMS. Refer to the Appendix SM7 Progression Plan Instruction Manual.

10.1 Static 99-R

Within two weeks of the Static 99-R being verified on IOMS and Sentence Management Services being notified, the PP is to be updated to reflect program recommendations as per program eligibility. Refer to the COPD Offender Pathways.

10.2 Prisoners pending discharge

It is expected that the discharge date of a prisoner is a key factor in setting the review date in a PP. Refer to sections 4.6 and 4.7 of the Appendix SM7 Progression Plan Instruction Manual.

10.4 Guardianship and/or Administration Order

If a prisoner has an active Guardianship and/or Administration Order warning flag indicator in IOMS staff must contact the prisoner's appointed guardian for involvement in the review process. This may include advising the appointed guardian of the review process, discussing the level of involvement of the appointed guardian and forwarding any required documentation to the appointed guardian for review. Refer to the COPD Prisoner Entitlements: Office of the Public Guardian.





10.5 Schedule prisoner interview

Sentence Management Services is responsible for scheduling the classification, placement and planning interviews and collating any information provided from relevant Offender Development staff and corrective services officers (i.e. panel members where relevant). Refer to the COPD Sentence Management: Classification and Placement and the Appendix SM5 Sentence Management Interview Process.

10.6 Conduct prisoner interview

Specific dates, including parole eligibility, court ordered parole, custodial end date and when the prisoner is eligible to submit a parole application should be highlighted and discussed in detail at the time of the panel discussion.

The prisoner is to be encouraged to engage in the process of reviewing and establishing their overarching progression objectives. Further, the prisoner is to be advised of expectations in relation to the plan and their general behaviour and conduct.

10.6.1 Review of PP

A draft copy of the PP and the PP activity report must be provided to prisoners at the commencement of all discussions relating to the review of a PP to ensure they have an opportunity to read the documents and are able to refer to them during the panel discussion. Prisoners should be permitted to retain this copy of the PP and must be provided a copy of the final PP once it is approved.

10.7 Provide copy of new (updated) PP to prisoner

SMS must provide a copy of the approved PP and activity report to the prisoner.

