



# Prisoner Accommodation Management ACC

## Cell Allocation

### Custodial Operations Practice Directive

Process Owner: Custodial Operations

Security Classification: Official/Public

Version: 09

Implementation date: 03/03/2025

Review date: 2027

#### Scope

1. Human Rights
2. Limitation of Human Rights
3. Prisoner Accommodation and the Relationship with Human Rights
4. Accommodation Allocation
5. Secure Cell Accommodation
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7. Residential Accommodation – Assessment and Approval
8. Personal Prisoner Hygiene
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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:

- a) cultural rights - generally and for Aboriginal and Torres Strait Islander peoples;
- b) humane treatment when deprived of liberty;
- c) recognition and equality before the law; and
- d) the right to privacy and reputation.

## 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, the right to privacy and reputation requires that a person has the right not to have the person's privacy family home or correspondence unlawfully or arbitrarily interfered with. Additionally, the right to humane treatment when deprived of liberty requires that all persons deprived of liberty must be treated with humanity and respect and that an accused person who is detained or a person detained without charge must be segregated from persons who have been convicted of offences, unless reasonably necessary.
- 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, the allocation of cell accommodation may limit a prisoner's right to privacy for the purpose of ensuring the safety and security of the corrective services facility. This document provides for the considerations and processes to be followed when allocating prisoner accommodation, and ensures human rights considerations are included in the decision making.
- c) The relationship between the limitation and its purpose – this involves considering the connection between the limitation of the right and whether this will assist with achieving the purpose or legitimate aim. For example, does an accommodation placement that may limit the right to privacy, achieve the enhanced safety of the prisoner, and /or others and the safety and security of the corrective services facility.
- d) Whether there are 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 whether it can be achieved in any other way, for example have other accommodation placements that are less restrictive with regard to limiting an individual's human rights been considered?





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- 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 harm caused to the human right. For example, does the safety to the individual and others provided by the accommodation decision outweigh the impact of the limitation to cultural rights.

### 3. Prisoner Accommodation and the Relationship with Human Rights

Section 18 of the *Corrective Services Act 2006* (CSA) provides that whenever practicable, each prisoner in a corrective services facility must be provided with a room that is not shared with any other prisoner.

The section 58 (1) of the *Human Rights Act 2019* (HRA) states it is unlawful for a public entity to act or make a decision in a way that is not compatible with human rights or, in making a decision, to fail to give proper consideration to a human right relevant to a decision.

Section 5A of the CSA provides that when considering a remanded prisoner's placement (or a prisoner detained without charge), or when managing a prisoner in a corrective services facility where it is not practicable for the prisoner to be provided with the prisoner's own room, the chief executive or officer does not contravene section 58 (1) of the HRA if these decisions take into account:

- a) the security and good management of corrective services facilities; or
- b) the safe custody and welfare of all prisoners.

This policy document provides for standardisation of practice and ensures that accommodation allocation decisions are made with due consideration given to the above factors and the impacts to the human rights of the individual prisoner, other prisoners, and others within the corrective services facility.

### 4. Accommodation Allocation

Following admission, a prisoner must be allocated suitable accommodation by a reception store officer in consultation with the corrective services supervisor (Accommodation) or nominee, based on the prisoner's identified risks and needs.

Refer to the COPD Reception Process: Admission and Assessments and the COPD Sentence Management: Classification and Placement.

The accommodation assessments must take into consideration:

- a) the security and good management of the corrective services facility; and/or
- b) the safe custody and welfare of all prisoners.

Consideration must be given to the prisoner's:

- a) immediate risk (to self or others), if identified;
- b) individual special needs;
- c) special planning considerations;
- d) age;
- e) the sex characteristics and gender identification of the prisoner if known;
- f) supervision, monitoring and intervention requirements; and
- g) cultural rights including the cultural rights of Aboriginal and Torres Strait Islander peoples.





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An example of an additional consideration specific to the cultural rights of Aboriginal and Torres Strait Islander peoples is a First Nations person indicating that they have an avoidance/taboo relationship with a person/s in a particular unit. Their placement in that unit or cell would create a risk to their safety or to the safety of others.

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.

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.

When a prisoner is subsequently allocated or reallocated to a cell/bed during their current custodial period the above considerations will also be applicable. The corresponding IOMS cell/bed move update must be facilitated as soon as practicable after the completion of the move by a corrective services officer or corrective services supervisor. This must be confirmed by the relevant area corrective services supervisor.

## 5. Secure Cell Accommodation

In general, secure cells/blocks within a secure corrective services facility will accommodate prisoners who:

- require high levels of supervision, management and monitoring;
- are considered a high risk of escaping or attempting to escape from custody; and
- are serving the initial portion of a lengthy period of imprisonment.

Secure cell accommodation in most instances will include shared accommodation in a cell with more than one bed that may include bunk beds or trundle beds.

Prisoners allocated a high security classification who:

- require less stringent monitoring and lower levels of supervision to ensure appropriate behaviour;
- can responsibly manage their own well-being;
- are positively engaged in their imprisonment and are not involved in negative incidents or subject to breaches of discipline; and
- are not considered a risk of escape from within the confines of a secure corrective services facility perimeter -

may be accommodated in less secure settings within a secure facility, i.e. residential accommodation.

A prisoner who has an escape history, pending immigration removal or remand legal status and is assessed as not presenting a current risk of escape from a corrective services facility may be placed in residential accommodation if assessed as suitable. Refer to the Residential Accommodation – Assessment and Approval section of this COPD.

### 5.1 Non-powered cell

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





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- a) no other appropriate accommodation is available;
- b) the accommodation is necessary to mitigate risk to the prisoner or others; or
- c) the accommodation 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, including the human rights considerations, are to be clearly documented in IOMS or within the relevant order and must be reviewed in line with requirements of the order.

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.

### 5.2 Self-harm episode history (SHEH flag)

Accommodation of a prisoner with a Self-harm Episode History (SHEH) warning indicator is to be in accordance with the requirements detailed in this COPD and the COPD Reception Processes: Admission and Assessments.

### 5.3 At-risk observations

Accommodation of a prisoner on at-risk observations is to be in accordance with the COPD At Risk Management: At Risk.

### 5.4 Elevated base line risk

Accommodation of a prisoner with an Elevated Base Line Risk (EBLR) warning indicator is to be in accordance with the COPD At-Risk Management: Elevated Baseline Risk.

### 5.5 Allegations of sexual assault

If a sexual assault has been reported and concerns for personal safety are indicated by the alleged victim and/or corrective services facility staff and/or Queensland Health staff and both the alleged victim and alleged perpetrator are domiciled at the same facility these prisoners must not be placed in the same accommodation area.

An immediate review of the placement of the victim, any witnesses and the alleged perpetrator of a sexual assault must occur to ensure the safety of prisoners. Transfer to another facility may be considered as an option.

Refer to the COPDs At Risk Management: At Risk and Sentence Management: Classification and Placement.

## 6. Shared Cell Accommodation

A number of factors must be considered when accommodating prisoners in shared cell accommodation.

All reasonable efforts are to be made to ensure that shared cell accommodation placements do not adversely impact on the safety of an individual prisoner and the safety and security of the corrective services facility, or reduce a prisoner's access to:

- a) amenities, services, recreation and employment;
- b) cell access and out of cell hours;
- c) visits; and
- d) progression opportunities.





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The Chief Superintendent of the corrective services facility may, at their discretion, increase access to amenities, services, recreation and employment as deemed appropriate.

All reasonable steps should be taken to ensure the following processes are in place at each facility where prisoners are in shared cell accommodation:

- a) ensure requests for a review of shared cell accommodation placement decisions and prisoner requests for movement are processed as soon as practicable (this may include verbal and written requests to staff). These requests and the outcome of such requests shall be recorded in IOMS, with reviews being conducted by a higher delegate;
- b) where possible, shared cell accommodation placements shall not impact on prisoner's progression to residential units;
- c) all reasonable steps shall be taken to ensure that prisoners are provided with appropriate bedding, i.e. bunk or trundle beds; and
- d) ensure the safe and secure storage of prisoner's belongings that cannot be kept in cell accommodation.

### 6.1 Shared cell accommodation assessment considerations

Consideration of shared cell accommodation must be individually assessed and a case note must be entered in IOMS that an assessment has been completed.

The case note must detail:

- a) how human rights were properly considered and balanced, including but not limited to cultural rights, including the cultural rights of Aboriginal and Torres Strait Islander peoples and the right to humane treatment when deprived of liberty;
- b) that the prisoner's individual special needs have been considered, where relevant;
- c) if the prisoner has reported any concerns at the time of the placement; and
- d) that the prisoner was advised to liaise with unit staff if any concerns arise in the future.

Where issues of risk have been identified, the Chief Superintendent or nominee shall ensure that appropriate notes and mitigation comments have been identified and recorded within the case note on each prisoner file and that they are sufficient to demonstrate consideration and mitigation of risk factors if the shared cell accommodation placement is to proceed.

The following is an example of including legislative and human rights considerations into a case note of assessment considerations:

*"Cell sharing is required to maintain the safety and security of the centre. I have considered the relevant factors including (insert specific factors including human rights considerations. These will generally be the right to privacy, the right to recognition and equality before the law, cultural rights, including the cultural rights of Aboriginal and Torres Strait Islander peoples, and the right to humane treatment when deprived of liberty) in relation to prisoner X sharing a cell with prisoner (IOMS number). Prisoner X has been advised that should any concerns arise in the future they are to advise unit staff." AND if there are concerns raised around shared cell assessment, "the following additional management strategies will be put in place to ensure the safety of....."*

A decision to allocate a prisoner to shared cell accommodation placement must be recorded in IOMS.





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Shared cell accommodation risk factors include;

- a) if the prisoner has been previously victimised within a corrective services facility;
- b) if the prisoner has previously perpetrated violence against other prisoners;
- c) the prisoner's history of self-harm and/or suicide attempts;
- d) the prisoner's offence and correctional history;
- e) the prisoner's relationships and known associations;
- f) the prisoner's religious and cultural background;
- g) intelligence information;
- h) the prisoner's known physical and/or mental health, medical issues, disability and/or any cognitive impairment (including liaison with PMHS and/or Q Health if the prisoner is a known open client of these services);
- i) current warnings including escape risk, self-harm episode, identified risk, maximum security offender and sex offender flags;
- j) individualised risk assessment for sexual offender placements;
- k) if the prisoner is identified as a prisoner of concern;
- l) if the prisoner is identified as Elevated Base Line Risk (EBLR);
- m) the sex characteristics and gender identification of a prisoner if known;
- n) any other significant issues of concern; or
- o) if the prisoner is on remand.

For prisoners who are managed under the at-risk process and are to be considered for shared cell accommodation, refer to the COPD At Risk Management: At Risk. When determining appropriate prisoners who could be selected to double-up with at-risk prisoners, the Chief Superintendent should ensure that a suitability assessment is conducted and consent for the accommodation arrangement is provided by both prisoners. Consent is required in this instance to ensure the arrangement will not further escalate the at-risk prisoner and the second prisoner accepts they may be subject to a higher level of interactions with officers if the at-risk prisoner is subject to an observation regime, limiting their human right to privacy further than the typical prisoner.

#### 6.1.1 Monitoring and review of shared cell accommodations

Shared cell accommodation must be continually monitored and reviewed to ensure QCS continues to comply with the requirements of section 5 (a) of the CSA, (refer to section 3 of this COPD). The review can include a conversation between a unit officer and a prisoner to enquire as to whether the prisoner has any concerns with their current shared cell arrangement.

The result of this review is to be reflected in required fortnightly case noting in IOMS which is to indicate whether there are any concerns in relation to the prisoner's placement.

Where a prisoner identifies issues surrounding their shared cell accommodation, unit officers are to interview the prisoner to determine if their concerns regarding the shared cell accommodation can be mitigated. The result of the interview must be case noted. If issues surrounding shared cell accommodation persist and/or cannot be mitigated, the officer is to advise the relevant supervisor/manager for a review.

#### 6.2 Sexual assault perpetrators

Under no circumstances should a prisoner who is alleged to be a perpetrator of a sexual assault **while in custody**, be placed in shared cell accommodation.



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If the sexual assault allegation is substantiated by the Corrective Services Investigation Unit (CSIU), the perpetrator must remain in single cell accommodation. If the sexual assault allegation is unable to be substantiated by the CSIU, consideration should be given to returning the prisoner to shared cell accommodation following a new risk assessment as outlined above in this COPD (Shared cell accommodation assessment considerations). The risk assessment must consider any relevant factors relating to why the allegation was not able to be substantiated, e.g. the victim withdrew the complaint or there was insufficient evidence to proceed with the complaint. Consideration of these factors may exclude a prisoner from being placed in shared cell accommodation.

A prisoner with a conviction for sexual assault committed **while not in custody** is not excluded from being considered for shared cell accommodation; however, this information should be considered in the risk assessment when deciding a prisoner's suitability for shared cell accommodation. If the decision maker has doubts as to the suitability of a prisoner for shared cell accommodation, they should exclude that prisoner from being placed in shared cell accommodation.





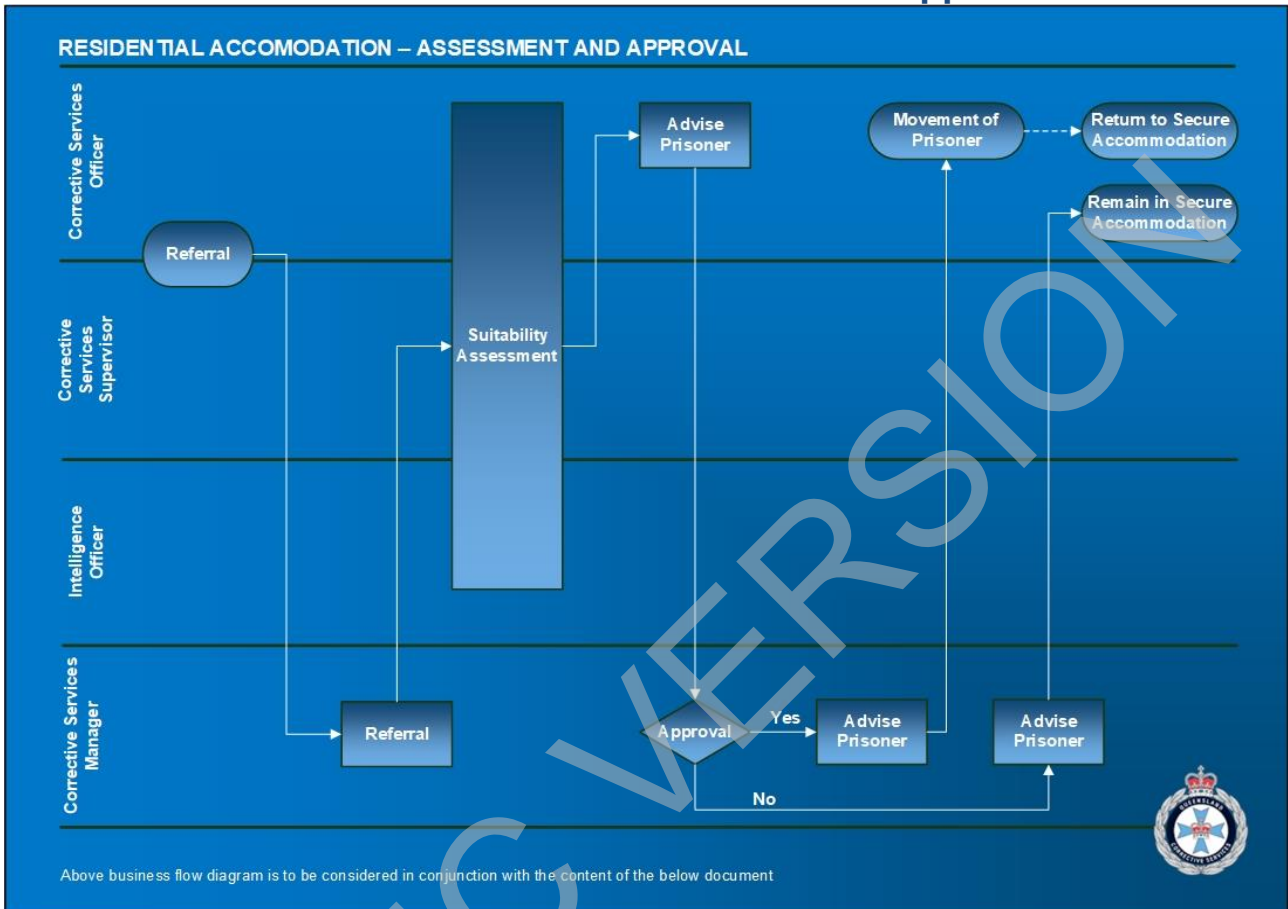


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## 7. Residential Accommodation – Assessment and Approval



### 7.1 Referral

Residential accommodation provides for prisoners who require lower levels of supervision. Prior to being placed in residential accommodation a prisoner should have demonstrated their ability to manage their behaviour in a stable, consistent and appropriate manner with both their peers and corrective services officers.

A prisoner may be referred for a suitability assessment for placement in residential accommodation as a result of, but not limited to:

- prisoner employment meetings;
- case plan meetings; and/or
- a corrective services officer or Sentence Management Services officer referring the prisoner to the relevant corrective services manager for consideration.

There is no minimum timeframe required for a prisoner to have spent in custody prior to being considered for residential accommodation, providing the below suitability factors can be adequately assessed.

### 7.2 Suitability assessment

A suitability assessment must be conducted using the Administrative Form 23 Assessment of Prisoner Suitability for Residential. The assessment is to be conducted by the prisoner's case officer/unit officer with input from a corrective services supervisor and intelligence officer.





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This must include a review of information detailed in case notes on IOMS and a review of the prisoner's incident and breach history, which will include a recommendation by a corrective services officer or Sentence Management Services

When considering the internal transferring of prisoners between secure and residential accommodation, relevant factors which may be considered include the prisoner's:

- a) behaviour in custody (including past behaviour in residential accommodation if relevant);
- b) human rights, including cultural rights generally and the cultural rights of Aboriginal and Torres Strait Islander peoples;
- c) individual special needs (if relevant);
- d) history of drug use and/or possession of drug related utensils in custody;
- e) completion of an induction program;
- f) employment status;
- g) warning flags, including elevated baseline risk of self-harm and/or suicide (EBLR), prisoner of concern (PoC), Serious Violent Offender (SVO), Identified Risk (IR) and/or history of attempted suicide or self-harm (SHEH);
- h) medical and/or psychological status;
- i) physical dependency (a high physical dependency will not exclude placement in residential accommodation if assessed as suitable);
- j) intelligence profile; and
- k) escape history.

#### 7.2.1 Current escape risk

A prisoner assessed as presenting a current risk of escape from a corrective services facility, evidenced by the presence of an ER flag on IOMS, must not be placed in residential accommodation.

However, if the prisoner has been otherwise assessed as a suitable candidate for residential by the multi-disciplinary team, the Chief Superintendent may request a review of the prisoner's ER flag on IOMS. Refer to the Appendix SM1 Criteria for Warning Flag Indicators.

#### 7.2.2 Escape history, pending deportation or remand status

A prisoner who has an escape history, pending deportation or remand status that is assessed as not presenting a current risk of escape from a corrective services facility may be placed in residential accommodation if assessed as suitable.

### 7.3 Advise prisoner – assessment commenced

The prisoner is to be advised when an assessment is being conducted.

### 7.4 Approval process

All recommendations for a prisoner's placement in residential accommodation must be approved by a corrective services manager.

This may be undertaken in consultation with a multidisciplinary team with the composition of the team to be determined by the Chief Superintendent of the corrective services facility. The consultation may be in the form of a scheduled meeting or via the progression of the Administrative Form 23 Assessment of Prisoner Suitability for Residential through an internal process prior to the corrective services manager's approval.





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Where a prisoner presents with a history of attempted suicide or self-harm or is identified as an EBLR prisoner or a PoC, advice must be sought from a psychologist/allied health clinician or senior psychologist/Team Leader, Allied Health Services when assessing the prisoner's suitability for placement in residential accommodation. Refer to the COPD At Risk Management: Elevated Baseline Risk and the COPD Prisoners of Concern.

The decision, including reasons for the decision, and the human right considerations, must be documented in the Administrative Form 23 Assessment of Prisoner Suitability for Residential and attached in IOMS.

#### 7.5 Advise prisoner of decision

The prisoner must be advised in writing of the decision including reasons for the decision. A case note must also be entered in IOMS recording the outcome and date the prisoner was advised.

#### 7.6 Movement of prisoner

The officer responsible for supervising the prisoner's movement from secure to residential must collect relevant documentation prior to the prisoner's departure from secure accommodation. A unit manager or case officer must ensure that all relevant documentation is collected and provided to the supervising officer.

The receiving corrective services supervisor must ensure that a cell allocation and an induction case note have been completed in IOMS prior to cessation of duty.

The movement of the prisoner must also be recorded in IOMS as soon as practicable after the completion of the move by a corrective services officer or corrective services supervisor. This must be confirmed by the relevant area corrective services supervisor.

#### 7.7 Remain in secure accommodation

The prisoner is to remain in secure accommodation following a decision not to approve their progression to residential accommodation.

#### 7.8 Return to secure accommodation

Prisoners may be returned from residential to secure accommodation for reasons including, but not limited to:

- a) committing a breach of discipline;
- b) failing to meet behavioural expectations;
- c) at the request of the prisoner; and/or
- d) being identified as the perpetrator of a reportable incident.

A corrective services manager or supervisor may exercise discretion to determine whether a case conference should be conducted for the prisoner prior to their return from residential to secure. A case conference may only occur where operationally practical.





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The prisoner's human rights and individual circumstances must be taken into account, when deciding if the prisoner is to move back to secure accommodation. In relation to human rights, factors to consider include, but are not limited to:

- a) visits bookings – the impact on the prisoner and family members and the best interests of the child if applicable; and/or
- b) cultural rights generally and the cultural rights of Aboriginal and Torres Strait Islander peoples.

Prisoners should not be transferred from residential accommodation to secure accommodation following an incident, **until such time as consideration has been given to all the relevant factors.**

If a prisoner is moved out of residential accommodation due to an alleged breach, they should not lose their position in residential until the breach has been proven. If a breach of discipline is proven and considered to be of a minor nature the prisoner may continue to reside in the residential accommodation area.

The prisoner must be informed of the decision to return them from residential to secure. The prisoner should also be provided the reason for return unless this information may compromise the security and good order of the facility.

A case note must be recorded in IOMS detailing the circumstances of a prisoner's return from residential to secure. The movement of the prisoner must also be recorded in IOMS as soon as practicable after the completion of the move by a corrective services officer or corrective services supervisor. This must be confirmed by the relevant area corrective services supervisor.

## 8. Personal Prisoner Hygiene

### 8.1 Hygiene

Should clinical nurses believe that a prisoner's personal hygiene is such that others may be at risk of cross infection, then they should liaise with the relevant corrective services officer to ensure that education and supervision is available to address the concern.

If any prisoner has contaminated clothing, then they should be instructed to place personal laundry in a red/clear dissolvable laundry bag and forward to laundry through normal collection procedures.

### 8.2 Pillows and mattresses

All prisoners should have the opportunity to clean pillows and mattresses with detergent and warm water and allow them to dry when entering a new cell or moving to a new cell. Gloves should be worn during this procedure with the hands being washed at the completion of the procedure.

Pillows and mattresses may require replacement when cracks or rips begin to occur to prevent the spread of micro-organisms.

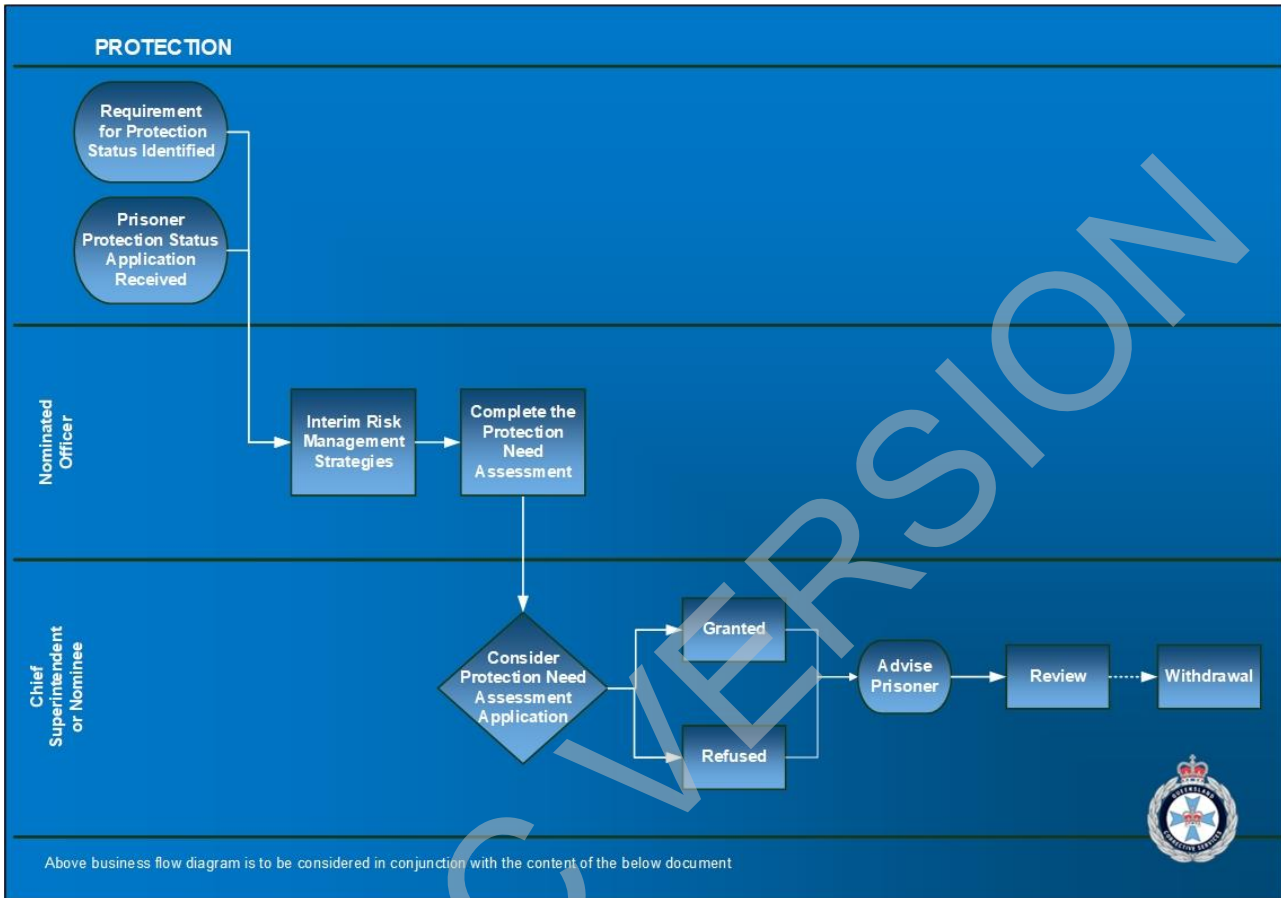
### 8.3 Management of contaminated waste material

Refer to the Appendix ACC5 Management of Contaminated Material.





## 9. Protection Status



It is the responsibility of all corrective services staff to take appropriate action to ensure the safety of all prisoners. Staff are to ensure a prisoner's Offender File and IOMS are updated with relevant information relating to the prisoner's protection status.

### 9.1 Requirement for protection assessment identified

Queensland Corrective Services has a duty of care to provide a safe environment for all prisoners.

A prisoner may only be approved for protection following a dynamic risk/needs assessment and it is determined the prisoner cannot be effectively managed within the mainstream prisoner population. Consideration must be given to the risk the prisoner may present to existing protection prisoners.

A prisoner may be assessed as being at risk from others and require protection as a result of, but not limited to:

- appearing as a court witness offering assistance to the Crown;
- being a human source by giving, or offering to give, information to law enforcement or correctional authorities;
- the nature of the offence (e.g. a prisoner who has committed an offence which is likely to make them the target of aggression from others);
- personal or psychological characteristics (e.g. a prisoner who exhibits physical, emotional, psychological or intellectual characteristics, which are likely to make them the target of aggression or intimidation from others);





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- e) cultural issues (e.g. a prisoner who is assessed as being at risk of harm due to cross-cultural, religious or particular tribal issues);
- f) prior protection status; or
- g) public profile of prisoner (i.e. media interest).

A request for the protection of a prisoner may arise from, for example:

- a) a court;
- b) a solicitor;
- c) police and other law enforcement agency;
- d) the prisoner;
- e) a family member;
- f) the sentencing court makes a recommendation to consider protection placement; or
- g) staff or management of a corrective services facility after receiving information that indicates a threat to a prisoner exists.

### 9.2 Prisoner application received

A prisoner may make a verbal or written request for protection at any time. Staff may also refer a prisoner for assessment of protection status at any time. Once a request for protection has been received, the prisoner must immediately be separated from other prisoners until the Protection Needs Assessment is completed.

Where a request for protection is made the Administrative Form 66 Application for Protection Assessment will be completed inclusive of the signed and dated prisoner responsibility agreement and immediately provided to the relevant corrective services officer, as determined by the Chief Superintendent of the corrective services facility.

The Chief Superintendent of the corrective services facility must be immediately advised of a verbal request or written application for protection.

A prisoner must be advised that, if their application for protection is approved, their placement within the correctional system will be based upon availability of protection cells and individual needs, and this may not be in the prisoner's current region. A copy of the application for protection must be saved in IOMS with the hard copy document placed on the Offender File. A notation should be made regarding confidential intelligence information should not be documented in the protection needs assessment.

### 9.3 Third party request

A written record of reasons for the protection request or recommendation should be obtained as soon as practical.

If no written information can be obtained, this fact and relevant details on the source of the information (name, organisation, address, and contact number) must be referred to the relevant corrective services officer, as determined by the Chief Superintendent of the corrective services facility for action and recording.

Refer to the COPD Intelligence.

### 9.4 Interim risk management

The Chief Superintendent of a corrective services facility is responsible for the safety of a prisoner who makes a verbal request or written application for protection from the time the request or application is made until the matter is determined.





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This may require the prisoner being placed on a safety order pending determination of protection status. Refer to section 53 of the CSA and the COPD Prisoner Behaviour Management: Safety Orders.

If a prisoner is assessed as being at risk of self-harm or suicide refer to the COPD At Risk Management: At Risk.

### 9.5 Placement/management options

Consideration is to be given to a range of placement/management options that may provide for the safety of the prisoner. The following placement options are to be explored and considered prior to any recommendation:

- a) temporary placement on a safety order pending completion of further assessments;
- b) placement in another area of the facility;
- c) placement in another mainstream facility; or
- d) placement on protection.

### 9.6 Complete protection needs assessment

All relevant information relating to the request for protection must be assessed by the relevant corrective services officer, as determined by the Chief Superintendent of the corrective services facility. The nature of the threat to a prisoner should be established and the details recorded in the Protection Needs Assessment in IOMS, including details of the method/information used to determine the validity and seriousness of the threat. Information on the reasons for a prisoner being at risk from others should be obtained from all possible sources to determine the validity of the need for protection including:

- a) the prisoner;
- b) the prisoner's file and IOMS records;
- c) court documents;
- d) facility staff and management (to specifically include the Intelligence and psychological staff); and
- e) police and other law enforcement, where relevant.

### 9.7 Static and dynamic factors

Where protection status is to be recommended consideration must be also be given to static and dynamic factors relevant to the protection.

Static factors include:

- a) nature of offences (i.e. sexual offences against children); and
- b) a prisoner's personal characteristics (i.e. physical disability, age).

Dynamic factors include:

- a) release or transfer of a prisoner/s who may have initiated the threat;
- b) completion of a program – where a prisoner has been granted protection status for a specific reason to participate in a recommended program; and
- c) risk the referred prisoner may present to existing protection prisoners and the safety and security of the potential placement facility (based on demonstrated behavioural history).

### 9.8 Consider protection needs assessment

The Chief Superintendent of a corrective services facility or nominee or Chief Superintendent of Sentence Management Services has the authority to approve protection status.





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The assessment which includes a summary of the threats, risks and recommendations for the placement and management of a prisoner must be provided to the Chief Superintendent of a corrective services facility or nominee or Chief Superintendent of Sentence Management Services (i.e. Superintendent or Correctional Manager) for determination.

When determining the most appropriate placement of a prisoner, consideration must be given to the risk the prisoner may present to existing prisoners if placed in protection.

Once the Chief Superintendent of the corrective services facility or nominee or Chief Superintendent of Sentence Management Services has made a determination the decision and reason(s) for the decision is to be recorded in the original Administrative Form 66 Application for Protection Assessment and in the Protection Needs Assessment in IOMS. Confidential intelligence information should not be documented in the Protection Needs Assessment in IOMS.

### 9.9 Protection status granted

If a request for protection is approved the Protection warning flag indicator will be automatically activated in IOMS when a Protection Needs Assessment granting protective custody is approved. Refer to the Appendix SM1 Criteria for Warning Flag Indicators. It is preferable that a prisoner is allocated to protection accommodation within their current facility.

Where this is not practicable or protection accommodation does not exist or is currently not available within the facility, the prisoner must be appropriately accommodated until such time as a transfer to a corrective services facility which provides protection accommodation has been completed. Refer to the COPD Sentence Management: Classification and Placement and the COPD Sentence Management: Transfers.

### 9.10 Protection status refused

If a request for protection is not approved, consideration is to be given to the appropriateness of the prisoner's current accommodation and whether the prisoner should be moved to alternative mainstream accommodation.

### 9.11 Review

The need for a prisoner to remain on protection will be reviewed on a 12-monthly basis at a minimum (with the exception of child sex offenders) unless otherwise determined by the Chief Superintendent of the corrective services facility or nominee or Chief Superintendent of Sentence Management Services. Additionally, a prisoner may also be subject to an event based protection needs assessment.

The following must be established during the review process:

- a) the current validity and seriousness of initial threat;
- b) the prisoner's reasons to remain on protection;
- c) assessment of actual protection need; and
- d) alternative placement options and management strategies.

The review assessment must be completed and recorded in IOMS.







# Prisoner Accommodation Management ACC

## Cell Allocation

### Custodial Operations Practice Directive

In those instances where it is considered that the threat to the prisoner will remain for the duration of incarceration, it may not be necessary to annually review the protection status unless warranted by special circumstances, which require an event based review protection needs assessment. (i.e. prisoner demonstrates threatening behaviour toward other prisoners).

Prisoners with a protection status who are held in a Maximum Security Unit (MSU) do not require review of protection status until they are being considered for reintegration. The review of their protection is not considered necessary at each point their classification is reviewed.

The Chief Superintendent of the corrective services facility or nominee may determine that static factors relevant to a prisoner's placement on protection do not require that the protection status be reviewed on a 12 monthly basis.

Alternatively, should it be determined that the factors initially indicating a need for protection may change; a yearly review of protection status must be completed and entered in IOMS. Any further requests for review of the prisoner's protection status will be considered at the time of the request or when prompted by a specific event, which requires an event based review protection needs assessment.

In the event that a determination is made that a prisoner does not require an annual review of their protection status, the intention is to be clearly documented in the Protection Needs Assessment in IOMS and a rationale provided.

### 9.12 Event Based Review - Protection Needs Assessment

When a prisoner is the perpetrator of a serious assault involving significant and/or life threatening injuries the Chief Superintendent will initiate an event based review protection needs assessment.

When a significant event occurs (i.e. a prisoner demonstrates a pattern of threatening behaviour towards another prisoner) the Chief Superintendent may also determine that an event based review protection needs assessment is to be conducted.

Prior to the review the prisoner must be provided with written advice indicating that the Chief Superintendent will be conducting a review of the prisoner's protection needs and that this review may result in the withdrawal of the prisoner's protection status. The prisoner must be provided seven days in which to respond to the advice.

A multi-disciplinary panel must be convened to conduct an assessment based on all the relevant information to determine whether the prisoner should be removed from protection and returned to the mainstream prisoner population. See the Administrative Form 61 Event Based Review - Protection Needs Assessment.

The panel at minimum must include the following members:

- a) Superintendent;
- b) Correctional Manager;
- c) Intelligence Officer;
- d) professional staff member;
- e) cultural representative for Aboriginal and/or Torres Strait Islander prisoners; and
- f) Sentence Management Services.

After consideration of all the relevant information a recommendation is to be made to the Chief Superintendent as to whether the prisoner should remain on protection.





# Prisoner Accommodation Management ACC

## Cell Allocation

### Custodial Operations Practice Directive

If the Chief Superintendent of a corrective services facility is satisfied that the prisoner can be appropriately managed within the mainstream prison population, the prisoner's protection status may be removed, even if the prisoner declines to sign off protection. This information must be recorded in IOMS.

A letter outlining the outcome of the review including any placement recommendation must be provided to the prisoner.

Where a prisoner seeks a review of the decision by the Chief Superintendent of a corrective services facility, the matter must be referred to the Deputy Commissioner, Custodial Operations for consideration.

If the prisoner is to be transferred to another facility, refer to the COPD Sentence Management: Transfers.

### 9.13 Withdrawal of protection status

The Chief Superintendent of a corrective services facility or nominee is the only approving authority for the withdrawal of protection.

Withdrawal of protection must be documented on the Administrative Form 67 Withdrawal of Protection. Information must also be entered in IOMS and the hardcopy document placed on the Offender File.

A prisoner may make a request for the withdrawal of protection status at any time. A request for the withdrawal of protection by a prisoner must be in writing. The relevant corrective services officer, as determined by the Chief Superintendent of the corrective services facility must assess the prisoner's request and forward a recommendation to the Chief Superintendent or nominee for determination.

PUBLIC VERSION

