Version 6

Form 23

QUEENSLAND

*Corrective Services Act 2006* (ss. 113, 116 and 119)

**BREACH OF DISCIPLINE**

**PART A - DETAILS OF ALLEGED BREACH**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Prisoner:** |  | | | |
| **Date of Birth:** |  | **IOMS ID No.** | |  |
| **Location:** |  | | | |
| **Place of alleged breach:** |  | | | |
| **Date of alleged breach:** |  | | **Time of alleged breach:** |  |
| **Type of Breach:** |  | | | |
| **Breach No:** |  | **IOMS Incident No.** | | [insert no.] |
| **Initial assessment of**  **breach severity** |  | Reason for assessment: | | |
| **Name of officer**  **commencing breach**  **process** |  | | | |

**Breach Particulars:**

Specify time, date, and location of alleged breach, together with a precise description of the alleged act or omission constituting the alleged breach. This description must not include any officer reports or statements from other persons including prisoners.

|  |
| --- |
|  |

**Note to prisoner: A determination on this matter will be made at a hearing. At the hearing you will be invited to provide a verbal or written response to the alleged breach. If you wish to rely on the evidence of another person in the facility (whether it be an officer or a prisoner), you must make a reasonable attempt to obtain that evidence in writing from the person before the hearing. You are entitled to obtain a copy of Sections 113-121 of the *Corrective Services Act 2006* and section 5 of the Corrective Services Regulation 2017 (relating to breaches of discipline), from the Centre library or from the officer serving you with this form.**

**A copy of the** [**Form 23 Breach of Discipline**](http://intranet/dcs3/pp/approvedfrms/F23Breach.doc) **was handed to the prisoner on \_\_\_/\_\_\_/\_\_\_ (date) at \_\_\_\_\_ hours (time) by \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ (officer’s name)**

**PART B – BREACH HEARING**

|  |  |  |  |
| --- | --- | --- | --- |
| **Date of Hearing** |  | **Location of Hearing** |  |
| **Deciding Officer**  **(name and position)** |  | | |
| **Officers present** |  | | |
| **Prisoner present** |  | **IOMS ID No**. |  |
| **Witnesses present** |  | | |
| **Support person present** |  | | |
| **Camera operator** |  | | |
| **Breach No.** | -1 | **IOMS Incident No.** |  |

**BREACH DETAILS**

|  |  |
| --- | --- |
| **Determination of breach type** |  |
| **Determination of breach severity** |  |

**PLEA BY PRISONER** [If prisoner pleads guilty, identify supporting evidence in next box and then go direct to ‘decision on penalty’ section]

|  |  |
| --- | --- |
| **Enter Plea**  [guilty / not guilty ] |  |

**EVIDENCE INTRODUCED DURING HEARING** [list in summary form only, including any witness evidence called by prisoner]

|  |
| --- |
|  |

**RESPONSE FROM PRISONER** [Summarise response in this space only if the matter is a minor breach. For major breaches, incorporate prisoner response into decision on alleged breach – refer next page]

|  |
| --- |
|  |

**DECISION ON ALLEGED BREACH**

|  |  |
| --- | --- |
| **Reasons for the decision**   * Explain the reasons for finding prisoner guilty or not guilty | My finding is based on the following reasons: |
| **Finding**  [guilty \ not guilty] |  |

**DECISION ON PENALTY** [in accordance with CSA s118]

|  |  |  |
| --- | --- | --- |
| **Response from prisoner re proposed penalty:** | The prisoner stated the following: | |
| **Description of penalty(s) to be imposed [specify]**   * May include reprimand without further penalty |  | |
| [Determination Privileges Withdrawn] | |
| **Reason for penalty** | In reaching a decision on penalty I considered the following matters: | |
| **Penalty start time & date** | **Time:** | **Date:** |
| **Penalty cease time & date** | **Time:** | Date: |
| **Warning re Separate Confinement if conduct continues –** minor breaches only [s118(3)] | [warning given: yes / no / not applicable] |  |

**RIGHT OF REVIEW**

|  |  |  |
| --- | --- | --- |
| **Review requested**  **[yes / no]** | No | **Prisoner Signature:** |
| **Reason for review (optional)** |  | |

**AUTHORISATION**

|  |  |
| --- | --- |
| Name: | Position |
| Date: |  |

**PART C - REVIEW HEARING**

|  |  |  |  |
| --- | --- | --- | --- |
| **Date of Hearing** | [insert review date] | **Location of Hearing** |  |
| **Reviewing Officer**  **(name and position)** | [insert reviewing officer name] | | |
| **Officers present** |  | | |
| **Prisoner present** |  | **IOMS ID No**. | [insert IOMS ID] |
| **Witnesses present** |  | | |
| **Support person present** |  | | |
| **Camera operator** |  | | |
| **Breach No.** | [insert breach number] | **IOMS Incident No.** |  |

**BREACH DETAILS**

|  |  |
| --- | --- |
| **Determination of breach type** | [insert Regulation subsection] |
| **Determination of breach severity** | [insert minor / major] |

**PLEA BY PRISONER** [If prisoner pleads guilty, identify supporting evidence in next box and then go direct to ‘decision on penalty’ section]

|  |  |
| --- | --- |
| **Enter Plea**  [guilty / not guilty ] |  |

**EVIDENCE INTRODUCED DURING HEARING** [list in summary form only, including any witness evidence called by prisoner]

|  |
| --- |
|  |

**RESPONSE FROM PRISONER** [Summarise response in this space only if the matter is a minor breach. For major breaches, incorporate prisoner response into decision on alleged breach – refer next page]

|  |
| --- |
|  |

**DECISION ON ALLEGED BREACH**

|  |  |
| --- | --- |
| **Reasons for the decision**   * Explain the reasons for finding prisoner guilty or not guilty * Include any submissions made by prisoner | My finding is based on the following reasons: |
| **Finding**  [guilty \ not guilty] |  |

**DECISION ON PENALTY** [in accordance with CSA s118]

|  |  |  |
| --- | --- | --- |
| **Response from prisoner re proposed penalty:** | The prisoner stated the following: | |
| **Description of penalty(s) to be imposed [specify]**   * May include reprimand without further penalty |  | |
| [Review Privileges Withdrawn] | |
| **Reason for penalty** | In reaching a decision on penalty I considered the following matters: | |
| **Penalty start time & date** | **Time:** [insert SC/LOP start time] | **Date:** [insert SC/LOP start date] |
| **Penalty cease time & date** | **Time:** [insert SC/LOP end time] | **Date:** [insert SC/LOP end date] |
| **Warning re Separate Confinement if conduct continues –** minor breaches only [s118(3)] | [warning given: yes / no / not applicable ] |  |

**AUTHORISATION**

|  |  |
| --- | --- |
| Name: | Position |
| Date: |  |