

CUSTODIAL OPERATIONS PRACTICE DIRECTIVE

Exit

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Performance Standard: Prisoners are supported and discharged from corrective services facilities with access to funds and transport. The process is inclusive of managing parole applications, appearances before parole boards, reviewing a prisoner's response to the custodial sentence, managing a discharge in error and responding to deaths in custody.

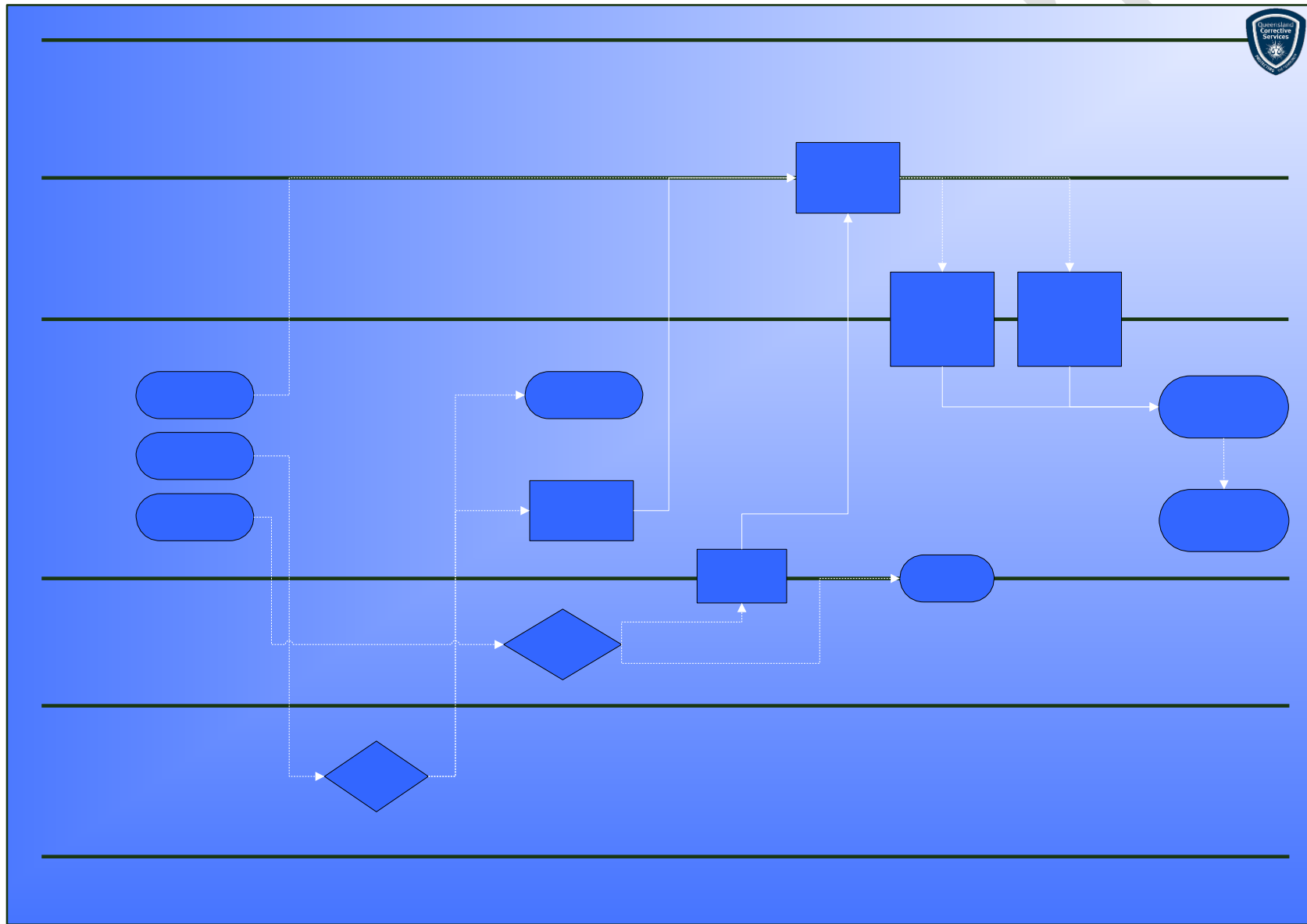
Outcomes:

	Early discharge of eligible prisoners (when appropriate) to facilitate return to their community.
	Processing of parole applications completed within timeframes.
	Preparation of a Parole Board Report.
	Manage a prisoner's appearance before a parole board (where relevant).
	Assistance provided to prisoners to prepare for constructive reintegration into the community.
	Return of trust fund balance to prisoner as appropriate upon discharge.
	Prisoner access to sufficient funds covers cost of return travel to community.
	Appropriate response and management of unlawful detention and discharge in error incidents.
	Responses to prisoner deaths are immediate and managed in a professional and sensitive manner in accordance with legislative and procedural requirements.

Accountability:

Parole Board	<ul style="list-style-type: none"> Considers parole applications and communicates decisions to relevant prisoners.
General Manager	<ul style="list-style-type: none"> Ensures all discharge processes are completed by appropriate staff members and to procedural standard.
Sentence Management Services	<ul style="list-style-type: none"> Manages the prisoner's physical file, sentence calculation and administration and incidents arising from sentence calculation errors.
Offender Development	<ul style="list-style-type: none"> Undertakes preparation of prisoner for exit from corrective services facility.
Reception Store	<ul style="list-style-type: none"> Manages prisoner discharge arrangements.
Corrective Services Officer	<ul style="list-style-type: none"> Maintains accurate IOMS records as appropriate.
Corrective Services Investigation Unit	<ul style="list-style-type: none"> Provides assistance and support with regard to prisoner deaths in custody.

Process Owner: Statewide Operations, Specialist Operations and Operational Support Services maintain joint ownership and responsibility for review and amendment of the Practice Directive.



Pending Discharge Date

In accordance with the *Corrective Services Act 2006* (CSA), s108 the discharge process is inclusive of:

- recording discharge details (including address to discharge)
- verifying sentence details
- management and return of property, trust accounts and valuables.

Aboriginal and Torres Strait Islander Liaison Officers/Counsellors must be involved in discharge processes for Aboriginal and Torres Strait Islander prisoners. This includes discharge planning and transition processes to support prisoners prior to and at discharge from custody.

A prisoner's discharge dates and conditions must be checked for accuracy and explained to the prisoner if necessary by Sentence Management Services. The prisoner's discharge details and discharge authority are to be recorded in IOMS. The prisoner's identity must be confirmed by date of birth and photograph.

Additional Considerations – 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 prisoner's release from QCS custody or parole application process. Refer Admission and Induction Practice Directive - Working with Substitute Decision Makers for Offenders under Guardianship and Administration Orders Appendix 6.
Additional Considerations – Discharge from Work Camp	Consideration must be given to, where practicable, discharging prisoners directly from a work camp. For example, if a prisoner is to be discharged to a location that is closer to the work camp than the managing correctional centre and probation and parole requirements can be met (if applicable), it may be beneficial to discharge the prisoner from the camp and not return him/her to the managing corrective services facility.
Additional Considerations – Department of Immigration and Border Protection	Sentence Management Services are to notify the Department of Immigration and Border Protection (DIBP) when a prisoner of interest is discharged from custody or granted parole.

Discharge Checklist

The Release/Discharge Checklist Administrative Form 174 is to be completed by Sentence Management Services when a prisoner is to be discharged. The completed checklist must be retained in the Offender File.

In the event that IOMS is not operational, a (Discharge Order) Approved Form 21 is to be manually prepared. A copy of the Form 21 must be filed in the Offender File and attached in IOMS when the system is restored.

Additional Considerations – Remaining in Custody after Discharge Date	<p>A prisoner is able to apply in writing to the Chief Executive for permission to remain in a corrective services facility after their discharge date for up to four days. Prisoners must voluntarily apply to remain in a corrective services facility after their discharge date.</p> <p>This process is to be used to ensure that appropriate arrangements are made</p>
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	<p>for the prisoner's discharge – that is, on a date when transport is available for return to their community.</p> <p>This process can only be applied for a prisoner who is to be discharged from a corrective services facility pending their fulltime discharge date and can not be applied to a prisoner being released to bail, parole, a suspended sentence or a prison probation order.</p>
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Early Discharge Application

Eligibility

Early discharge, if ordered, reduces the period of imprisonment imposed by the sentencing court for the punishment of the prisoner and should only be ordered when confirmation of the prisoner's ties with a particular location or community have been verified, and when transport availability is otherwise not available on the calculated day of discharge.

The Chief Executive or delegate may order that the prisoner be discharged within seven days immediately before the prisoner's discharge date refer CSA s110. The process is not relevant to prisoners who are to be released to any other form of release/discharge including bail, parole, suspended sentence or a prison probation order.

There is no automatic entitlement to early discharge. The purpose of corrective services provided in s110 of the CSA, and the overriding principle of safety of the community through the minimisation of risk, must be considered by returning the prisoner back to their community on their discharge day. Consequently, for early discharge to be ordered a prisoner should be given access to a transport option which would otherwise not be available where early discharge is not granted, and when a prisoner has no other means of transport to return to their community on the day of discharge. Consideration should be given to which day of the week transport is available, however, early discharge cannot be ordered any more than seven days earlier than the calculated discharge date.

Prisoner Application Process

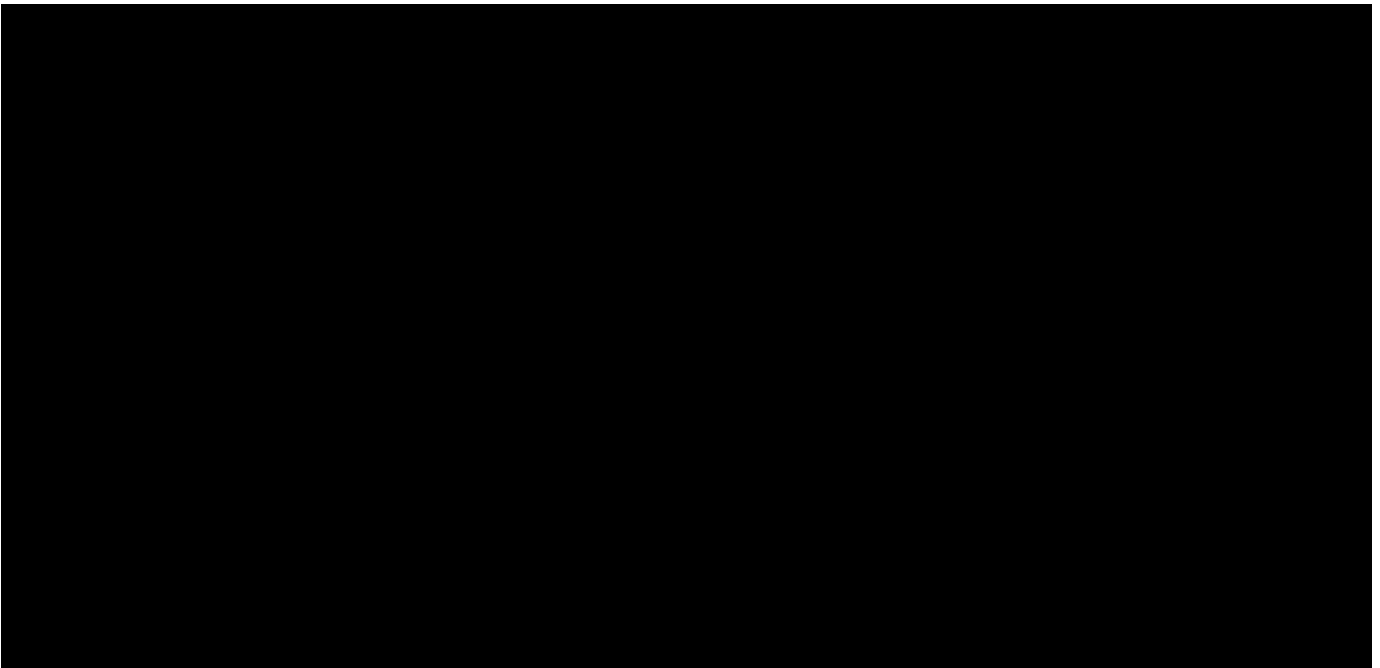
An Application for Early Discharge Administrative Form 175 to the Chief Executive or delegate needs to be submitted to Sentence Management Services by the prisoner for a grant of early discharge. Delegated authority to grant early discharge is in accordance with the Instrument of Delegation of Chief Executive Powers – Department of Justice and Attorney-General (QCS).

The decision should also consider whether an alternate form of transport is available closer to the discharge date than what has been requested for by the prisoner.

Consider Application

Following the prisoner submitting an application, the following steps are to be undertaken to assist in determining the suitability of the submission:

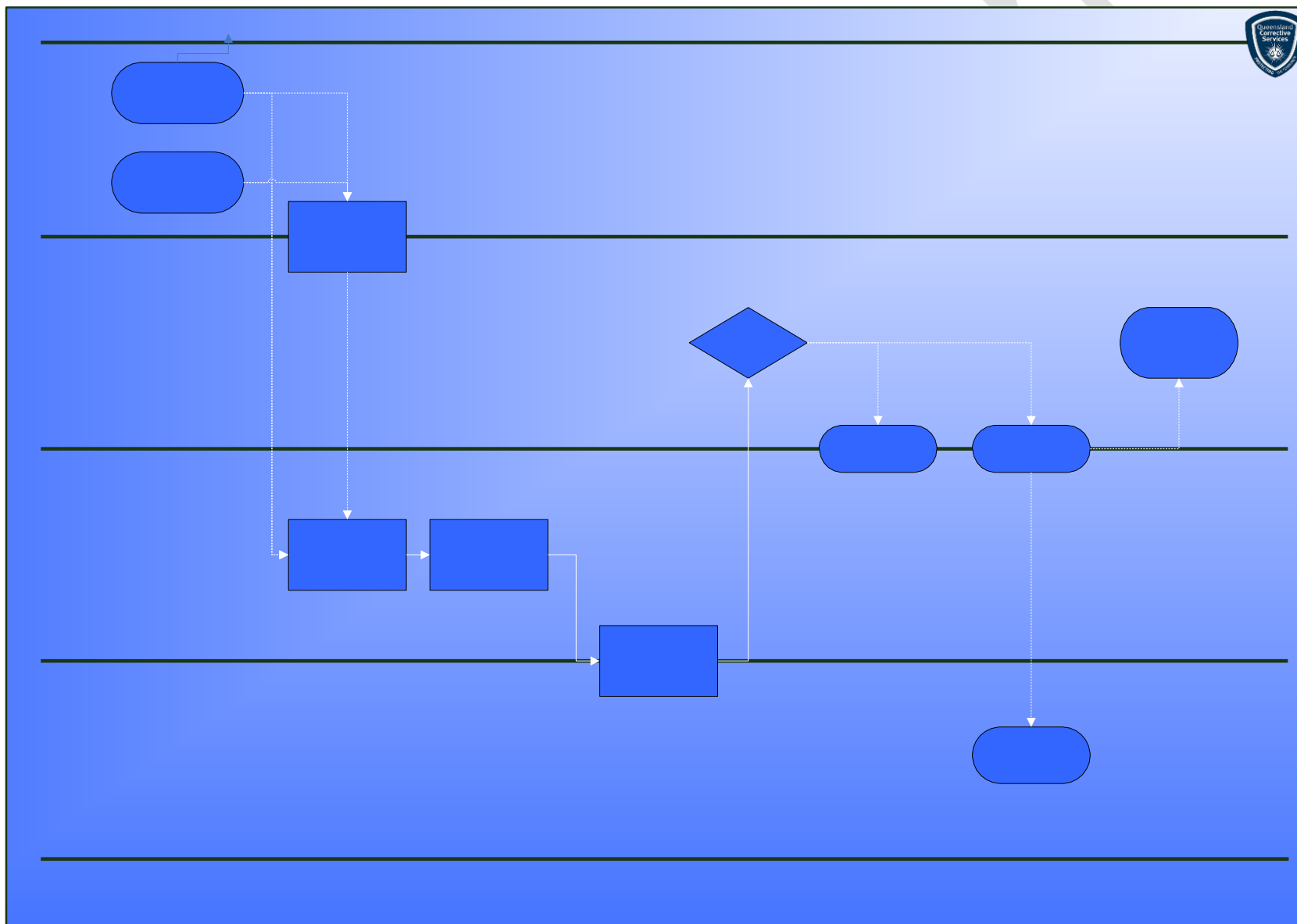
- Verify the accuracy of the information provided by the prisoner such as the link between the prisoner and the prisoner's community or community/family supports. Confirmation of information may require and include making contact with individuals or agencies in the prisoner's community. Any written submissions must be checked for authenticity. Actions taken to check information should be commented against in the relevant section in the application form.
- If necessary, enquiries should be made on the prisoner's behalf to the relevant public transport authority to establish a date when transport is available, which falls closest to the prisoner's fulltime discharge date.
- The completed application form and recommendation must be forwarded to the Chief Executive or delegate who will make the determination regarding early discharge.



Timeframe	Early discharge applications are to be completed by the prisoner no less than 14 days prior to the intended date of discharge.
Responsible Officer	Chief Executive or delegate.
Approval and Review	Chief Executive or delegate.

Approve/Decline Prisoner Application

- The prisoner must be notified of the decision, so that the prisoner can notify their community/family regarding their pending arrival.
- If early discharge has been approved the decision maker must issue Discharge Order.- Approved Form 21.
- If public transport is used, arrangements for the transport must be made by a trust account officer and direct payment made to the transport provider.
- Sentence Management Services must record any amendment to the prisoner's sentence calculations in IOMS. Early discharge is to be undertaken in accordance with the Sentence Calculation and Administration Manual Part 1.11.



Parole release provides for the supervised reintegration of a prisoner into the community. A prisoner may be released to parole granted by a Queensland parole board. Prisoners serving a sentence for federal offences may be released to parole granted by the federal Attorney-General.

Unless otherwise stated, the provision of information to the Queensland parole boards, including notifying parole boards' secretariat staff when relevant documentation for their use has been attached in IOMS, is to be forwarded to the relevant parole board via email in accordance with the CSA s187 and 438:

- Queensland Parole Board [REDACTED]
- Southern Queensland Regional Parole Board [REDACTED]
- Central and Northern Queensland Regional Parole Board ([REDACTED])

Application by Prisoner for Parole Order

An application for parole must be made using Application by Prisoner for Parole Order – Approved Form 29 having regard to s180(2) of the CSA. The form must be lodged with Sentence Management Services at the corrective services facility where the prisoner is accommodated. If the prisoner is located at a work camp, the application is submitted at the prisoner's placement centre.

The relevant parole board must determine the application within 180 days of the application being received by Queensland Corrective Services (QCS) in accordance with s193 of the CSA. The parole board may defer making a decision until it obtains any additional information it considers necessary to make the decision. Where a decision is deferred for additional information, the parole board must then decide the application within 210 days of the application being received by QCS.

Additional Considerations – Parole Application Lapse	A prisoner's application for a parole order lapses if, before the application is decided, the prisoner is sentenced to another term of imprisonment. In these instances Sentence Management Services should provide the relevant parole board notice in writing that the prisoner has been sentenced to a further term of imprisonment, including a copy of the warrant of commitment or verdict and judgment record. Refer CSA s191.
Additional Considerations – Court Ordered Parole	A prisoner is not required to apply for release to a court ordered parole order. A court must set a parole release date when sentencing prisoners to a term of imprisonment of three years or less, with the exception of prisoners convicted of a serious violent offence or a sexual offence.

Applications for Parole to be Served Interstate

A prisoner may nominate an interstate address when applying for parole. Conditional approval for an interstate transfer of parole may be given by a receiving jurisdiction prior to the granting of parole, this is to enable the sending jurisdiction's parole authority to be fully informed regarding a prisoner's post release plans prior to making a release decision.

Interstate transfers of parole are governed by the National Frameworks and National Operating Procedures which is a set of transfer practices for all Australian States and Territories. Once a parole order is registered interstate, the parolee is no longer subject to the authority of QCS or the Queensland Parole Board. Sentence Management Services are responsible for processing the application and forwarding to the QCS central contact no later than 3 weeks from the date the prisoner's application is received. Applications for interstate parole are to be managed in accordance with Interstate Parole Application Protocol Appendix 3.

Application by Prisoner for Exceptional Circumstances Parole Order

Exceptional circumstances parole provides for a prisoner's release on parole when exceptional circumstances exist. An application for exceptional circumstances parole must be made using Application by Prisoner for Exceptional Circumstances Parole Order – Approved Form 28 and lodged with Sentence Management Services at the centre where the prisoner is accommodated. If appropriate, an application for exceptional circumstances parole may be made on a prisoner's behalf by a person approved by the General Manager of the corrective services facility if the prisoner is unable to make the application themselves. Any prisoner may apply to the relevant parole board for an exceptional circumstances parole order at any time, with the exception of a prisoner serving a sentence for federal offence/s who may apply to the Australian Government Attorney-General's Department for early release on licence.

Applications for exceptional circumstances parole are processed in the same manner as an application for parole. Refer s176 and 177 of the CSA.

<p>Additional Considerations – Exceptional Circumstances Parole</p>	<p>A prisoner may apply to a parole board for release to exceptional circumstances parole at any time in accordance with s176 of the CSA. A prisoner with a parole release date may apply for exceptional circumstances parole prior to the parole release date.</p> <p>If the prisoner is granted exceptional circumstances parole before the parole release date, the prisoner no longer has an entitlement to be released to court ordered parole for that period of imprisonment (refer CSA s185A). The Chief Executive is not required to issue a court ordered parole order.</p> <p>If the prisoner is sentenced to imprisonment for further offences after being granted exceptional circumstances parole and receives a parole release date for that sentence the prisoner must be released on the parole release date. In this instance, the prisoner is subject to compliance to the board ordered parole order, not the court ordered parole order.</p>
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Appearance of Prisoner/Agent Before a Parole Board

A prisoner may apply for leave to appear or be represented by an agent before a parole board using the Leave to Appear or be Represented by an Agent before a Parole Board – Approved Form 51. This form is to be submitted to Sentence Management Services at the corrective services facility where the prisoner is accommodated and attached in IOMS with the prisoner's application for parole.

An agent who requests or is nominated by a prisoner to appear before a parole board in support of a prisoner's application for parole must provide all required information to the parole board as outlined in Leave to Appear or Be Represented By an Agent before a Parole Board – Approved Form 51.

If an application for an agent to appear is submitted without all required information it is the responsibility of the prisoner to advise the agent of the requirements and to submit this information on Leave to Appear or be Represented by an Agent before a Parole Board – Approved Form 51. The secretary of the relevant parole board will inform the prisoner if any application is received without all required information.

On receipt of the application to appear, the parole board will determine whether the prisoner or agent is granted leave to appear. Refer CSA, ss. 189 and 190.

If a parole board grants leave for the agent to appear the secretary must advise the agent of the time and place of the parole board meeting.

Additional Considerations – Appearances Before a Parole Board	A parole board may grant leave or require a person to appear before a parole board. The Queensland Parole Board may require a regional parole board to hear representations from a prisoner who has applied to the Queensland Parole Board. The parole board will determine the method in which the person addresses the board.
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When a prisoner is required to appear before a parole board the secretary of the relevant parole board must notify the relevant corrective services facility of the particulars of appearance, including:

- whether by video conference or in person
- the time of appearance of prisoners from the respective corrective services facility
- whether the parole board require a corrective services officer to be present.

A letter will be prepared and provided to the prisoner and the corrective services facility outlining the details of the prisoner's attendance. The above details are required to be sent to the relevant corrective services facility no later than three days before the scheduled appearance in accordance with Parole Boards Secretariat – Operational Guidelines (section 2.3).

The General Manager must nominate an officer to be responsible for:

- verifying and acknowledging receipt of the parole board's correspondence
- ensuring the availability and attendance of a prisoner scheduled to appear before the parole board
- confirming with the secretary of the relevant parole board, the prisoner's appearance 24 hours prior to the date.

Appearance via Video-link	<p>The prisoner should be available 15 minutes prior to the scheduled time of the appearance.</p> <p>If a corrective services facility has been notified that a prisoner is required to appear before a parole board via an electronic link, the prisoner should not be transferred to another corrective services facility unless the security and good order of the facility is at risk, so as to ensure that the prisoner is able to attend the scheduled video-link appearance.</p> <p>If the transfer of the prisoner has been approved and is unavoidable, the General Manager of the corrective services facility must ensure that the secretary of the relevant parole board is notified of the transfer in accordance with the Movements and Transfers Practice Directive.</p>
Appearance in Person	<p>Section 189(7) of the CSA outlines that a prisoner in the custody of the Chief Executive may appear in person before the parole board if they present with a special need.</p> <p>In the event that a parole board approves the prisoner's appearance in person the secretary of the relevant parole board must liaise with the nominated officer at the relevant corrective services facility.</p>

Processing an Application for Parole

Sentence Management Services is responsible for processing applications for parole including coordinating a parole panel interview and preparing a Parole Board Report in accordance with Processing An Application For Parole Appendix 1.

Parole panel members are to complete the parole panel interview and documentation in accordance with Classification and Placement Practice Directive - Sentence Management Panel Interview Process Appendix 3. Parole panel composition and the roles and functions of each panel member are outlined in Roles and Functions of Parole Panel Members Instruction Appendix 7.

In addition to the panel interview, the General Manager may request report/s to assist in considering the application prior to making a recommendation. In this instance, the timeframe for lodgement with the parole board must still be retained in accordance with Parole Application Timeframes Form 178.

Parole Board Checklists

The Parole Board Submission Checklists ensure that a complete parole application is attached in IOMS for consideration by the relevant Parole Board. The checklists are to be completed and attached in IOMS by Sentence Management Services staff prior to forwarding a prisoner's parole application to the Parole Board for consideration. Sentence Management Services staff are to notify the Parole Board Secretariat in writing (via email) once all documentation is attached in IOMS.

The checklists provide a minimum standard and do not prevent the Parole Board exercising their discretion to request additional information. The checklist to be utilised will be dependent on the type of parole application submission in accordance with Parole Board Submission Checklists – Operational Practice Instruction Appendix 8.

Parole Board Report

The Parole Board Report provides an overview of the prisoner's progress through the correctional episode and his/her preparedness to successfully complete a parole order. The information provided must address the key areas required to assist the parole board in making a decision to issue a parole order including the conditions on the order.

A thorough review of the prisoner's case must be undertaken and the Parole Board Report entered in IOMS for consideration by the parole board. Relevant facility staff and a probation and parole officer must contribute to the preparation of the Parole Board Report.

The Parole Board Report is to be completed in accordance with Parole Board Report Requirements Appendix 2. Parole Board Report recommendations for prisoners with an Enhanced Security Offenders (ESO) warning flag in IOMS must be referred to the Community Protection Advisory Committee (CPAC) for review.

Sentence Management Services is to notify the relevant parole board in writing (via email) once the parole board report has been verified. A case note is to be entered in IOMS to record that the email has been sent.

Provision of Updated Information to the Parole Board	<p>There are circumstances where, following receipt of the Parole Board Report, a parole board will require additional or updated information before making a final determination on a prisoner's parole application or prior to the prisoner's release to parole where a decision to grant parole has already been made.</p> <p>The provision of further information is required following:</p>
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	<ul style="list-style-type: none"> • receipt of a written request for additional information from the parole board • a significant event or change to the prisoner's circumstances, such as involvement in a negative incident or breach, investigation, further charges, change to the prisoner's legal status or a change to the prisoner's release plans. <p>Written requests for additional or updated information from the parole board will be made to the General Manager of the corrective services facility who will determine the area responsible for providing the information to the parole board. This will be determined in accordance with the nature of the request.</p> <p>Where there has been a significant event or change to the prisoner's circumstances, a General Manager must ensure the parole board is provided with this information in a timely manner. The provision of this type of information would be in the absence of a request from the parole board.</p> <p>Updated information is to be attached in IOMS. The relevant parole board is to be advised in writing (via email) that the information is available and a case note is to be recorded in IOMS noting the email has been sent.</p>
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Abridged Parole Board Report

It is not necessary to prepare a full Parole Board Report in all circumstances. The Parole Board may request an abridged version of the parole board report to be prepared when:

- a prisoner has previously applied for parole during the current correctional episode and has submitted a further application
- a prisoner has submitted a parole application following cancellation of a court ordered parole order; or
- a prisoner sentenced by a juvenile court is transferred to an adult corrective services facility and has a supervised release date (set by the judicial officer). In the case of juvenile prisoners, the abridged report is prepared to assist the parole board to determine the conditions of the order.

The content and level of detail required in the abridged report is guided by any instructions received from the parole board. In the absence of instructions, the content of the report must be in accordance with the Abridged Parole Board Report Administrative Form 179.

Following approval at the centre, the abridged report is to be attached in IOMS. Sentence Management Services are to notify the relevant parole board in writing (via email) that the report has been verified. A case note is to be recorded in IOMS noting that the email has been sent.

If the Parole Board has not specified that an abridged Parole Board Report is to be provided, a full Parole Board Report is to be provided in accordance with the Parole Board Report Requirements Appendix 2.

Juvenile Sentences and Parole

When a prisoner has been sentenced by a juvenile court to a period of youth detention and is subsequently transferred to an adult corrective services facility, it is the unexpired component of their detention order that is transferred as the period of imprisonment to be served in adult custody. It is

therefore the period of imprisonment (unexpired component of the detention order) at the time of transfer that is considered when deciding which parole board is responsible for issuing the parole order. Refer s187 of the CSA.

In accordance with s276D(9) of the *Youth Justice Act 1992* if a juvenile prisoner who is transferred to an adult corrective services facility has a supervised release date (set by the judicial officer) the prisoner must be released to parole on that date. In these circumstances an abridged Parole Board Report must be provided to the relevant parole board to inform any special conditions for the parole order.

The Corrective Services Officer responsible for providing this prisoner with the parole order must provide the parole board with a report detailing the prisoner's circumstances and proposed conditions two weeks prior to the prisoner's release date.

<p>Additional Considerations – Juvenile Sentences</p>	<p>The prisoner remains eligible for earlier release under an exceptional circumstances parole order or remaining in custody for the unserved part of any other sentence of imprisonment imposed or on remand.</p> <p>Juvenile prisoners sentenced to life imprisonment who are subsequently transferred to an adult corrective services facility will not have a supervised release date set by a judicial officer and therefore parole release will be determined in accordance with the CSA.</p>
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Federal Offences

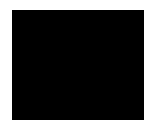
When a prisoner is serving a sentence for a federal offence/s, the Australian Government Attorney-General's Department is responsible for determining if a parole order will be granted (refer Crimes Act Part 1B).

Prisoners serving a sentence for a federal offence/s (in excess of three years) do not need to apply for federal parole as consideration will occur automatically (refer Sentence Calculation and Administration Manual, Part 3.9 – Federal Offenders). To assist the decision maker in determining whether the prisoner should be released to parole the Australian Government Attorney-General's Department is to be provided a parole report. This report must include a recommendation as to whether the prisoner is considered suitable for release to parole, regardless of the length of sentence.

In most instances the Australian Government Attorney-General's Department will formally request a report reviewing the prisoner's progress through the correctional episode. This request is forwarded directly to the Parole Boards' Secretariat who will then forward the request to Sentence Management Services at the corrective services facility where the prisoner is accommodated. If a request is not received a parole report must be provided at least four months prior to the prisoner's parole eligibility date. Sentence Management Services must ensure processes are in place to identify prisoners who require a parole report for the Australian Government Attorney-General's Department to ensure these timeframes are met. Any inquiries are to be made directly with the Australian Government Attorney-General's Department, not with the Parole Boards' Secretariat.

A parole panel is convened for these prisoners to consider the prisoner's suitability for release to parole and make a recommendation to the Australian Government Attorney-General's Department. Refer Part 1B of the Crimes Act.

The parole report is prepared as a word document and forwarded directly to the Australian Government Attorney-General's Department. The report is NOT to be entered in the *Boards and Committees* section in IOMS, as the report is not considered by a Queensland parole board. Rather, a copy of the report is to be attached in IOMS in accordance with



Parole Report – Attorney-General's Template and Guidelines Administrative Form 180.

Additional Considerations – Federal and State Offences	Where a prisoner is serving a custodial term of imprisonment for a combination of federal and state offences, refer to the Sentence Calculation and Administration Manual (part 3.9) to determine whether the prisoner will need to apply to a Queensland parole board or whether the prisoner is automatically considered for parole by the Australian Government Attorney-General's Department. Where Queensland parole is required to be determined prior to federal parole release, the usual parole application process is to occur.
Additional Considerations – Exceptional circumstances Early Release on Licence	<p>The federal Attorney-General, or a delegate, is permitted to grant a licence for a federal prisoner to be released from custody before the date set by the sentencing court if he or she is satisfied that exceptional circumstances exist. An application for early release on licence may be dealt with at any time during a federal prisoner's sentence in accordance with section 19AP of the Crimes Act.</p> <p>Applications for early release on licence must be in writing and the exceptional circumstances, to which the federal prisoner is relying on to justify their release, should be included. A completed Early Release on Licence – Application Form and General Information Application Form should be submitted with all additional documentation attached to support the prisoner's application.</p>

Amendment, Suspension or Cancellation of Parole Order

The Chief Executive or authorised delegate may, by written order, amend a parole order if a prisoner has failed to comply with the parole order or poses a serious and immediate risk of harm to themselves. Refer CSA s201(1) and Instrument of Delegation of Chief Executive Powers – Department of Justice and Attorney-General (QCS).

The Chief Executive or authorised delegate may by written order, suspend a parole order, and the relevant parole board may by written order amend, suspend or cancel a parole order if it is reasonably believed the prisoner:

- has failed to comply with the parole order
- poses a serious and immediate risk of harm to others
- poses an unacceptable risk of committing an offence; or
- is preparing to leave Queensland, other than under a written order granting the prisoner leave to travel interstate or overseas.

The above actions are to be undertaken in accordance with CSA ss. 201(1), 201(2) and Instrument of Delegation of Chief Executive Powers – Department of Justice and Attorney-General (QCS).

A parole board may by written order amend, suspend or cancel a parole order other than a court ordered parole order if the board receives information that, had it been received before the parole order was made would have resulted in the parole board making a different parole order or not making a parole order.

Where a prisoner subject to a parole order is charged with and not yet convicted of committing a further offence the parole board may by written order amend or suspend the parole order. Refer CSA s205(2).

If a parole board makes a written order suspending or cancelling a prisoner's parole order, the parole board must give the prisoner the opportunity to address the board as to why this decision should be changed in accordance with CSA s208; and Parole Boards Administration procedure.

Additional Considerations – Parole Cancellations	If a parole board cancels a prisoner's court ordered parole order, the prisoner will need to submit an application to a regional parole board to be considered for any subsequent grant of parole during the same period of imprisonment. Refer CSA s207.
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Decisions by Parole Boards

It is the responsibility of the secretary to inform all relevant parties of parole board decisions.

Relevant parties include:

- the prisoner
- the prisoner's legal representative (as directed by the relevant parole board)
- Sentence Management Services and the person in charge of the location where the prisoner is currently being accommodated
- any other party as directed by the relevant parole board.

The following practice must be observed:

- all prisoner correspondence (including letters, orders, case histories and general correspondence) are forwarded by either registered mail, courier, regular mail, e-mail or attached in IOMS
- a copy of the correspondence must be placed in the prisoner's file by Sentence Management Services staff responsible for the file
- in cases where additional documents accompany parole board correspondence, such as when the board considers not granting parole these documents must be forwarded by registered post; and
- when a prisoner is being relocated as a result of a board decision, a copy of the correspondence must be sent to the location where the prisoner will be supervised. (Note: the copy must be clearly marked as a copy and stored and disposed in line with Management of the Temporary File Appendix 4).

For any parole board decisions that require action by the next business day, the secretary will immediately telephone Sentence Management Services at the relevant corrective services facility and/or supervising Probation and Parole District Office to advise of the outcome. When the outcome document has been attached to IOMS the appropriate corrective services officer responsible for the management of the prisoner will be notified.

A prisoner within 28 days of receiving notification that a parole board has made a final decision can request the parole board (as a decision maker) provide a statement of reasons under section 32(2)(b) of the *Judicial Review Act 1991*. Refer Parole Boards Administration procedure.

A parole board after making a decision to release a prisoner, but prior to the release may be requested to re-consider the case. The decision on reconsideration can be to rescind the release decision, in which case the prisoner is no longer to be released from custody. The Parole Rescinded (PR) flag will be raised in IOMS by the Parole Board Secretariat to alert users the release decision has been rescinded. Following the sentence calculation/administration being reviewed, Sentence Management Services staff are to deactivate the flag in accordance with the Assessment and Planning Practice Directive - Warning Flag Indicators Appendix 1. Where an urgent rescind release decision has been made by a Parole Board after business hours, the duty manager of the corrective services facility is to be notified.

Finalise Arrangements

Medical

Prisoners must undergo a medical examination prior to discharge. Medication must be issued where appropriate.

Monies

Upon a prisoner's discharge from a corrective services facility, the total credit balance in the prisoner's operating account must be paid to the prisoner except uncleared receipts, committed external purchases and other amounts as deemed appropriate by the General Manager of the corrective services facility.

After determining the total credit balance of a prisoner's trust fund at the time of discharge, an expenditure voucher must be completed and authorised to pay money by means of a maximum of \$100 cash excluding Centrelink discharge payments, approved travel allowance and other amounts as deemed appropriate by the General Manager of the corrective services facility. The remaining balance is to be paid by cheque. Upon payment, the prisoner must provide written acknowledgment of the receipt of the monies.

A debit balance in a prisoner's trust fund at the time of discharge must either be recovered from the prisoner at the time of discharge (e.g. from awaiting relatives or friends) or written off in accordance with the financial delegations and the Prisoner Entitlements Practice Directive.

Property, Trust Accounts and Valuables

In accordance with the Prisoner Entitlements Practice Directive, personal property and valuables must be checked against the prisoner's property record. The prisoner is to sign the Acknowledgement Sheet Administrative Form 12 acknowledging receipt of property. Further, items of facility property and identification cards must be retrieved from the prisoner prior to discharge and the prisoner's electronic trust account must be balanced and finalised and monies issued to the prisoner.

Travel Arrangements

Assistance with bus/train fares may be provided in the case where a prisoner has insufficient funds at the time of discharge (refer CSA s108(4)). A prisoner may apply for assistance with travel fares by completing an Application for Issue of Travel Voucher Administrative Form 181. Travel arrangements can be determined considering Calculation of Funds for Travel Appendix 5 and:

- the prisoner's age
- the prisoner's health and physical condition
- reporting obligations (e.g. location of probation and parole office, police station)
- if the prisoner is a reportable offender
- if the prisoner is subject to a DPSOA supervision order
- transition arrangements (e.g. visit to Centrelink)
- special needs.

No account is to be taken of any other special benefit payment to which the prisoner may be eligible.

If possible, travel arrangements must be finalised prior to discharge. Costs associated with excess luggage and property will be the sole responsibility of the prisoner.

Centrelink Payments Upon Discharge

For Centrelink to provide a pre-release service to prisoners, advance notice of release is required for prisoners wishing to apply for Centrelink payments using Form SU517 - Release Notification Ledger, or locally tailored forms may be used for this process.

Prisoners may apply for a crisis payment up to 21 days in advance via Centrelink Form SU508.0504 – Claim for Crisis Payment, however as release dates may change within a 21 day period, a lesser time frame may be more appropriate for notification. Requirements for advance notification of release will need to be determined at the local level.

If the release date provided to Centrelink changes, the corrective services facility should notify Centrelink within 48 hours or before the previously advised release date, whichever is sooner.

Release of Prisoners Outside Normal Business Hours

Assistance should be provided in the facilitation of Centrelink payments for prisoners released or discharged outside business hours or who are otherwise unable to access a cash payment on the date of release.

Where a prisoner is unable to access a cash payment on the day of release through usual processes, access to a cash payment will be delivered by depositing the prisoner's Centrelink cheque to the corrective services facility's trust account and providing a cash payment on the day of release.

The cheque method of payment is preferred, however the facility can proceed by issuing a Centrelink Electronic Benefit Transfer (EBT) Card on the day of release in limited circumstances.

The following method of payment of Centrelink cheques and EBTs must be adhered to:

- authorised staff receive cheque and EBT handovers
- safe and secure storage of Centrelink cheques and EBTs provided until issued to the prisoner
- application form signed by the prisoner confirming they have received their payment
- authorised staff sign as a witness to the prisoner's signature
- Centrelink provided with phone or fax confirmation that the prisoner was or was not released on the previously notified date
- return the payment, cheque or EBT if the prisoner is not being released.

Discharge to Liberty

Prisoners should also be advised that they will need to update their contact details upon release with various government agencies including, as relevant, Centrelink, Department of Communities (Housing) and Child Support Agency.

<p>Additional Considerations – Weekend/Public Holiday/QPS Release</p>	<p>Discharge or release (section 108 of the CSA 2006) must be undertaken in accordance with the Sentence Calculation and Administration Manual Part 1.11.</p> <p>Section 108(2) of the CSA 2006 can be applied to a prisoner's release date or discharge date if the date is on Saturday, Sunday or a Queensland or local public holiday.</p> <p>Section 108(2) of the CSA 2006 can be applied to a prisoner's release date or discharge date if the prisoner has been transferred from QCS custody to a Queensland Police Service (QPS) watchhouse and the prisoner is to be discharged from the watchhouse, where it is not practical for the prisoner to be returned to QCS custody e.g. keep the prisoner in their community.</p>
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Additional Considerations – Bail Processes	Bail processes are to be undertaken in accordance with the Sentence Calculation and Administration Manual Part 1.4.
Additional Considerations – Reportable Offenders	<p>On discharge, reportable offenders must be provided with the original Notice of Reportable Offender's Reporting Obligations and brochure. The Child Protection Offender Registry (CPOR) must also be advised of the prisoner's discharge in accordance with the <i>Child Protection (Offender Reporting) Act 2004</i> (CPORA) s58, the <i>Child Protection (Offender Reporting) Regulation 2004</i> s16 and the Community Interface Practice Directive, refer Notice to Child Protection Offender Registry of Particular Event under CPORA Administrative Form 2.</p> <p>The prisoner must be reminded of their obligation to report to the police station nominated in the notice as well as any other obligations.</p> <p>The corrective services officer who gives the notice to the reportable offender must enter a case note in IOMS detailing that the prisoner has been reminded of their reporting obligations and that a copy of the notice and brochure have been given to the prisoner.</p>

Reception/Discharge Register

Prisoner's who are discharged from a corrective services facility are to be recorded within a register by reception store staff specifically created for the purpose of recording prisoner receptions and discharges within the reception store. Refer Facility Security Practice Directive.

Discharge to Probation and Parole Supervision

Prisoners should also be advised that they will need to update their contact details upon release with various government agencies including, as relevant, Centrelink, Department of Communities (Housing) and Child Support Agency.

When a prisoner transfers from a corrective services facility to probation and parole supervision, the sending location must:

- complete the transfer summary in IOMS. All relevant documents must be finalised, including Immediate Risk Needs Assessment (IRNA), Sentence Management Decision Making Record, Rehabilitation Needs Assessment, Offender Rehabilitation Plan (ORP), and Program reports if applicable
- enter the probation or parole order under which the prisoner will be supervised in the community in IOMS
- explain the conditions of the order to the prisoner
- if probation and parole staff have not attended the corrective services facility to undertake an induction, ensure the prisoner signs the Admission and Induction Practice Directive - Acknowledgement Sheet Administrative Form 12, acknowledging their understanding of the conditions of the order
- provide the prisoner with a copy of the order.

When the transfer summary is finalised, relevant non-electronic documentation must be placed in the offender file for transfer to the relevant probation and parole office.

Immediate Court Ordered Parole Release

Where a prisoner is in custody at the time of sentencing and an immediate court ordered parole release date is imposed, Sentence Management Services is to complete the Sentence Calculation and make arrangements for the Sentence Calculation to be checked within one working day.

Sentence Management Services must also create a draft Court Ordered Parole Order in IOMS and ensure that the parole order expiry date is consistent with the prisoner's sentencing details in the Sentence Calculation.

When the prisoner reports to the probation and parole office, the Probation and Parole Officer is to activate the Court Ordered Parole Order and issue a copy of the order to the offender.

In the event that IOMS is not operational, a Court Ordered Parole Order – Approved Form 31 is to be manually prepared and forwarded to the relevant probation and parole office. A copy of the Court Ordered Parole Order must be filed in the Offender File and attached in IOMS, when the system is restored.

Any action to suspend the prisoner's Court Ordered Parole Order by the Probation and Parole Officer must not be deferred if a sentence calculation has not been completed/checked. However, an urgent request for the sentence calculation to be completed and checked must be made.

Discharge from Custody to Court Ordered Parole

A prisoner's release to court ordered parole must be in accordance with the date fixed for the prisoner's release to parole under the *Penalties and Sentences Act 1992* (PSA) Part 9, Division 3. Accordingly, the Chief Executive or authorised delegate must issue a Court Ordered Parole Order – Approved Form 31 for the release of the prisoner to parole on the date fixed by the court. Refer CSA ss. 199, 200 and Instrument of Delegation of Chief Executive Powers – Department of Justice and Attorney-General (QCS).

Additional Considerations – Court Ordered Parole	If a prisoner with a parole release date has other matters for which he/she has been remanded in custody or the prisoner is detained for an offence where a parole release or eligibility date has not been set, the prisoner must not be released to court ordered parole. However, the prisoner may be released to court ordered parole if the prisoner has been granted bail in relation to the charges for which the prisoner has been remanded or detained or those charges have been withdrawn. Refer CSA s199 and PSA ss160A-160H.
Additional Considerations – Court Ordered Parole	Court ordered parolees are subject to the standard conditions of parole. A parole board may also amend a Court Ordered Parole Order to contain any conditions the parole board reasonably considers necessary to ensure the prisoner's good conduct or to stop the prisoner committing an offence.

Sentence Management Services at a corrective services facility is responsible for:

- at the beginning of each week, providing a list of prisoners (including release dates) who are due for release to court ordered parole from that corrective services facility in the following week, to the probation and parole district office nearest to that facility
- ensuring all prisoners attend an individual/group initial appointment with a probation and parole officer at the facility prior to release to court ordered parole
- generating an IOMS case note to indicate the prisoner has attended an initial appointment with a Probation and Parole Officer at the corrective services facility. This case note should include the following:
 - the time, date and name of the Probation and Parole Officer facilitating the initial report
 - the appointment time, appointment date and name of the probation and parole office/reporting office the prisoner must report to following their release
- confirming a prisoner's residential address/contact details which must be updated in IOMS on the day before or the morning of the prisoner's release
- creating and updating the Court Ordered Parole Order details in IOMS
- emailing the relevant Probation and Parole District Manager on the day before or the morning of the release to notify of the prisoner's release details
- performing the role of the Probation and Parole Officer for a court ordered parole induction for any prisoners who have been sentenced to a period of imprisonment for less than seven days, and who can not attend an initial probation and parole appointment prior to release.

Reception store staff at a corrective services facility are responsible for:

- 'moving out' the prisoner to the relevant probation and parole office at the time of discharge (location to be advised by the Probation and Parole Officer)
- including the Court Ordered Parole Reporting Notice Administrative Form 182 in the prisoner's property (provided by the Probation and Parole Officer)
- providing a copy of Court Ordered Parole Order – Approved Form 31 to the prisoner on the day before or the morning of the prisoner's release to court ordered parole and directing the prisoner to report to a probation and parole office upon release.

Court Ordered Parole Induction

The District Manager/Supervisor of the relevant probation and parole office will nominate a Probation and Parole Officer to confirm with a corrective services facility the prisoners due for release to court ordered parole and personally visit the prisoners at the corrective services facility prior to the prisoners release where applicable. In instances where logistical constraints exist, the use of video or telephone conferencing may be utilised.

Upon visiting the facility the Probation and Parole Officer will:

- explain the conditions and consequences of failing to comply with the parole order to the prisoner (refer CSA ss. 200-215)
- advise the prisoner that they must seek approval if wanting to travel interstate or overseas or risk the order being suspended (CSA s201(2)(d))
- provide a copy of the Court Ordered Parole Order Information Sheet to all prisoners during induction
- obtain the prisoner's residential address/contact details from Sentence Management Services and confirm that these details are current with the prisoner

- contact the probation and parole office/reporting centre to make an appointment (date and time) on the prisoner's behalf for their next report via Probation and Parole Office and Reporting Centre Locations
- record details of the prisoner's appointment on the Court Ordered Parole Reporting Notice Administrative Form 182
- issue (or fax if in phone contact with the prisoner) completed administrative form – Court Ordered Parole Reporting Notice Administrative Form 182 to Sentence Management Services to include in the prisoner's property issued to them on release
- fax a copy of the Reporting Notice to the probation and parole office/reporting centre where the appointment was made for the prisoner.

It is expected a full induction will be completed by the respective probation and parole office once the prisoner has been released in accordance with Operational Practice Guidelines, Community Based Orders and Parole Orders, Admission and Induction, Induct an Offender into a Community Based Order or Parole Order.

Discharge from Custody to Board Ordered Parole

Prior to the release of a prisoner to board ordered parole Sentence Management Services must ensure that the expiration date of the Board Ordered Parole Order is consistent with the prisoner's sentencing details in the prisoner's Sentence Calculation.

If the expiration date on the Board Ordered Parole Order is incorrect, Sentence Management Services must advise the relevant parole board and request that the Board Ordered Parole Order be amended.

Reception/Discharge Register

Prisoner's who are discharged from a corrective services facility are to be recorded within a register by reception store staff specifically created for the purpose of recording prisoner receptions and discharges within the reception store. Refer Facility Security Practice Directive.

Manage Prisoner File

Archiving Records

When a prisoner is transferred to a probation and parole office, corrective services facility staff must send the most recent Offender File to the probation and parole office within one business day of the transfer. All remaining files are to be sent to Central Archives.

For example: if prisoner Joe BLOGGS has Offender File parts 1, 2 and 3 and also several Detention, Professional Management and Case Management Files. The Offender File Part 3 must be sent to the probation and parole office. The remaining files (Parts 1 and 2 of the Offender File, along with all the Detention, Professional Management and Case Management Files) must be sent to Central Archives.

Files must be complete and up-to-date at the time of transfer. Any temporary file must be amalgamated with the original file prior to transfer. Prior to forwarding, files should be reviewed for duplication. Any duplication of an original document, or print out of information stored in IOMS, must be removed from the files and destroyed.

The transfer, and the completed movement of the files, must be recorded in the IOMS RecFind database.

Documents that are unable to be attached to the prisoner's files at the time of the transfer or that are subsequently received must be forwarded to the prisoner's new location for inclusion on the prisoner's file clearly marked with the:

- prisoner's full name
- prisoner's IOMS number
- prisoner's date of birth; and
- name of receiving district office.

When a prisoner is discharged to liberty the prisoner's files should be retained for no longer than 14 days. During that time all relevant original documents must be affixed to the prisoner's file. Duplicates of original information on the file or print outs of information stored in IOMS must be removed and destroyed.

If a prisoner's file has been sent to a central office unit and a temporary file has been created it must be retained by the discharging corrective services facility until the original file has been returned. The temporary and original file must then be amalgamated and forwarded to Wacol Archives for storage.

In exceptional circumstances, documents for a discharged prisoner may be forwarded to Wacol Archives for filing if the relevant facility has been unable to attach it to the prisoner's file/s prior to the file's dispatch.

Such documents must be clearly marked with the:

- prisoner's full name
- prisoner's IOMS number
- prisoner's date of birth
- name of the sending corrective services facility.

The IOMS Recfind database must be updated by Sentence Management Services at the relevant corrective services facility when a file is moved to a new location, closed or destroyed.

Permanent status records must not be destroyed. An original record created in relation to a prisoner remains the property of QCS and must not be removed, altered or destroyed without appropriate authorisation in accordance with the Retention and Disposal Schedule regarding:

- the destruction of temporary status at the expiration of the minimum retention period
- the disposal of electronic and hard copies
- distinguishing records which are to be retained temporarily or are of continuing value to QCS and the State that must be kept permanently.

All inactive records must be archived according to the requirements of the *Public Records Act 2002* and the Retention and Disposal Schedule.

Manage Unlawful Detention/Discharge in Error

When a possible incident is identified, a Sentence Management Services staff member must immediately notify the Assistant Manager, Sentence Administration and ensure that all relevant sentencing documents and warrants have been attached in IOMS.

If the Assistant Manager, Sentence Administration confirms that the prisoner may be unlawfully held or may have been discharged in error they must immediately notify the Assistant Manager, Sentence Management and Manager, Sentence Administration of the incident through telephone contact and urgently email the General Manager, Sentence Management Services, Regional Manager, Sentence Management, Manager, Sentence Administration and Assistant Manager, Sentence Management a detailed chronology of the prisoner's sentencing details.

The chronology must include:

- prisoner's name
- prisoner's IOMS number
- prisoner's ethnicity
- date of sentence
- offences (including domestic violence orders)
- length of sentence imposed
- parole release/eligibility date
- full time discharge date.

Where relevant, any errors that have contributed to the incident must also be included in the email. For example, whether the error was due to an incorrect release or full time discharge date being calculated or that the prisoner was returned out of business hours and unlawfully admitted by reception officers.

The Assistant Manager, Sentence Management is responsible for notifying the General Manager of the corrective services facility of the possible incident of unlawful detention or discharge in error, and that the prisoner is not to be released/discharged, or a warrant (Form 22) is not to be issued, until further advice is provided by the Regional Manager, Sentence Management or Manager, Sentence Administration.

The Assistant Manager, Sentence Management is also responsible for liaising with relevant corrective services facility staff to prepare for the prisoner's possible release/discharge e.g. trust accounts and travel arrangements.

The Manager, Sentence Administration is responsible for briefing the General Manager, Sentence Management Services and Executive Director, Specialist Operations and seeking their approval to release/discharge the prisoner or make arrangements for the prisoner to be returned to QCS custody.

The General Manager, Sentence Management Services or Executive Director, Specialist Operations may require the Manager, Sentence Administration to seek legal advice from the Office of General Counsel, Department of Justice and Attorney-General in relation to the incident prior to approving the prisoner's release/discharge or return to QCS custody.

Before a warrant is issued the Assistant Manager, Sentence Administration must ensure that QCS holds a Verdict and Judgement Record to lawfully detain the prisoner on their return to custody. The Assistant Manager, Sentence Administration is responsible for tracking the status of the warrant with QPS e.g. date that the prisoner had been remanded to appear in court. A warrant is to be issued in accordance with Issuing and Withdrawing Warrants Appendix 6. Refer CSA s202.

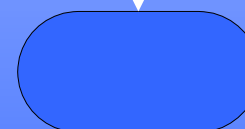
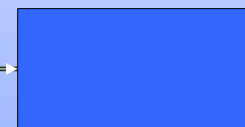
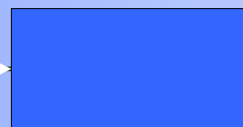
The Assistant Manager, Sentence Management and Assistant Manager, Sentence Administration must undertake an operational debrief with the relevant Sentence Management Services staff in relation to the incident and complete an IOMS incident report that includes any local or state-wide remedial actions (including other agency referrals or amendments to the Sentence Calculation and Administration procedural documents and Manual) identified in the operational debrief, by the next business day after the incident in accordance with the Incident Management Practice Directive.

The Manager, Sentence Administration is responsible for endorsing the IOMS incident report and notifying the General Manager, Sentence Management Services when the incident report has been endorsed. The General Manager, Sentence Management Services is responsible for approving the IOMS incident report.

Any relevant local or state-wide remedial actions are to be urgently communicated to Sentence Management Services staff and amendments made to the Sentence Calculation and Administration procedural documents and Sentence Calculation and Administration Manual as soon as possible, if applicable.

The Manager, Sentence Administration is responsible for reporting the number and detail of incidents and the status of local and state-wide remedial actions to the General Manager, Sentence Management Services on a quarterly basis.

Public Version



The death of a prisoner in custody must be managed with integrity and respect for the deceased. All deaths in custody are subject to a coronial inquiry and will be reported to the Coroner by staff of the Queensland Police Service.

Every effort must be made to save life exclusive to any other consideration including preservation of a crime scene and evidence. The crime scene and evidence must be preserved within the limits of the efforts being made to save life.

The responsibilities of corrective services officers managing a death in custody in a corrective services facility include compliance with the Incident Management Practice Directive. Standard precautions must be utilised in dealing with any body secretions in accordance with the Incident Management Practice Directive.

Timeframe	The Prisoner Death in Custody – Management Checklist Administrative Form 185 must be completed as soon as practicable when managing a prisoner death in custody and then maintained in the offender file.
Responsible Officer	Nominated Officer.

Provision of Health Services

Until otherwise advised by Queensland Health (QH) staff, officers must treat an apparent death in custody as a medical emergency and commence all life-saving measures.

If QH centre staff are on duty, they must be called urgently. If QH staff are not on duty ambulance assistance must be sought urgently by dialling 000.

Once commenced, resuscitation must continue until otherwise instructed by a doctor, paramedic or registered nurse.

The declaration of life extinct must be made by either the attending medical officer, Queensland Ambulance Officer or a registered nurse employed to work in a Queensland Health centre under special authority given by the Queensland Health Chief Health Officer.

Facilitate Provision of Support

Provision must be made for rapid and easy access to a corrective services facility for support agencies responding to the incident that may include, but is not restricted to:

- ambulance and paramedic teams
- visiting doctor
- the Coroner
- a religious visitor
- an Aboriginal or Torres Strait Islander Legal Service representative
- an elder, respected person or indigenous spiritual healer who is relevant to the prisoner
- Corrective Services Investigation Unit (CSIU) officers
- police officers
- morgue, funeral home/undertaker representatives
- corrective services dogs and their handlers
- counselling service providers.

Corrective services officers must obtain a job number and identification details from attending ambulance officers. Officers controlling access to a facility should be aware that the ambulance service might respond with two vehicles:

- an ambulance transport vehicle
- a paramedic medivac vehicle.

Undertake Reports and Notifications

A critical incident report of a death of a prisoner in custody must comply with the Incident Management Practice Directive

In accordance with the CSA s24(1), after a prisoner dies, the General Manager or nominee of the corrective services facility must notify each of the following:

- if the corrective services facility is a prison — the doctor appointed for the facility
- the Police Officer in charge of the police station nearest to the place where the prisoner died
- the person nominated by the prisoner as the prisoner's contact person
- a religious visitor
- for an Aboriginal or Torres Strait Islander prisoner:
 - an Aboriginal or Torres Strait Islander legal service representing Aboriginal or Torres Strait Islander persons in the area in which the prisoner died
 - if practicable, an elder, respected person or indigenous spiritual healer who was relevant to the prisoner.

Notification to Prisoner's Nominated Contact Person

Notification to a deceased prisoner's nominated contact person should be made as soon as possible after death has been established, subject to operational requirements. Every effort must be made to identify a deceased prisoner's next of kin and, if practicable, also notify that person of the prisoner's death.

Corrective services officers responsible for notifying a deceased prisoner's contact person should approach the task in a professional and respectful manner. It should also be borne in mind that the person nominated by the prisoner as a contact person may not be the prisoner's next of kin.

Notification to a deceased prisoner's contact person must be given in a sensitive fashion respecting the culture and interests of the person and the entitlement of such person to knowledge of the facts about the death, other than any matter that is the subject of police investigation, that are known at the time of notification. Speculative or unsubstantiated details of the death are not to be given to the prisoner's contact person.

The General Manager or nominee of the corrective services facility must notify the prisoner's contact person:

- in the case of the death of an Aboriginal or Torres Strait Islander prisoner — if practicable, in the company of an elder, respected person or indigenous spiritual healer who is relevant to the prisoner; or
- otherwise — if practicable, in the company of a relative of the bereaved, a support person or a religious visitor.

If the deceased prisoner's contact person is located in a rural area of Queensland or interstate, the local police in that area or State must be requested, through the CSIU, to make the notification.

If the deceased prisoner's contact person can not be located assistance should be sought from CSIU.

The person providing notification should if circumstances warrant render assistance to the bereaved in contacting other members of the deceased prisoner's family and provide any other assistance deemed appropriate using, if necessary, the services of other staff or a religious visitor. For example, if the deceased prisoner's contact person is a prisoner in the same or another QCS facility, assistance could be provided in contacting other relatives and making funeral arrangements.

Media Notification

The media contact for the Department is responsible for establishing with the appropriate General Manager or Duty Executive if next of kin have been informed before releasing information to the media. If the next of kin has not been informed, no information that is likely to enable those persons to identify the deceased prisoner should be released to the media. A notification to the media about a death in custody may only be made by the media contact for the Department.

Burial Assistance Scheme

The notifying corrective services officer should, having regard to the deceased prisoner's family's circumstances, provide information regarding assistance available for burial or cremation of the deceased prisoner. The bereaved may be advised that assistance is available from:

- Coronial Unit
Department of Justice and Attorney-General
Phone: (07) 3239 6193 or 1300 304 605
(Brisbane only)
- Elsewhere — the local Magistrates Court.

More details may be obtained from the Queensland Government website: www.qld.gov.au.

There is no provision for the Department of Justice and Attorney-General to subsidise funerals or to reimburse money already paid for a funeral. If the deceased prisoner's family wishes to claim assistance the claim must be made in the first instance and a contract should not be entered into with a funeral home. This information must be made clear to the deceased prisoner's next of kin at the time of notification of death and file noted.

Additional Considerations – Death of a Foreign National	If the prisoner is identified as a foreign national, undertake action in accordance with Detention Or Death Of A Foreign National In Australia.
Additional Considerations – Reportable Offenders	The CPOR must be advised via Admission and Induction Practice Directive - Notice to CPOR of Particular Event Under CPORA Administrative Form 2 as soon as practical after the death of a reportable offender in accordance with the Community Interface Practice Directive.

Recording of Events

If possible the recording of events should be completed by the first officer responding to the incident and include the:

- time the deceased was found
- location of the body when found
- circumstances under which the body was found
- description of the scene where the body was found
- description of any weapon or other device found at the scene

- names of prisoners at the scene when the deceased was found
- names of other staff who assisted in managing the incident
- names of any witnesses to the incident
- times of attendance and identity of all persons attending the scene.

If possible, an electronic record should be kept of all entry to the scene and all life-saving

attempts. Documentation

If possible, a copy of the following documentation must be provided for investigation management:

- a print out of a complete profile of the deceased from the intelligence profile database
- the prisoner's Offender File
- print outs of all information that can be extracted from IOMS including incident and breach information, the Immediate Risk Needs Assessments, Risk Assessment Team documentation and SM-DMR
- any psychological or detention unit notes or files kept separately from the prisoner's Offender File
- the Notification of Life Extinct Certificate
- any other documentation or reports relevant to the incident including initial officer statements and memos, running logs, nominal rolls, ARUNTA phone records, recordings of phone conversations, debrief minutes and movement logs.

A record of what documentation has been provided and to whom must be kept and, if original documentation has been provided, receipts obtained.

The General Manager of a corrective services facility or nominee must keep a record of the details of a deceased prisoner in accordance with the CSA s24 and the *Corrective Services Regulation 2006* s21.

Investigations

An investigation other than a criminal investigation must be undertaken for all incidents of death of a prisoner.

If the death is other than by apparent natural causes inspectors must be appointed under the CSA s295 to investigate the incident.

If the death is by apparent natural causes either:

- an inspector must be appointed under the CSA s295 to investigate the incident; or
- a person/s nominated by the person responsible for incident investigation or the relevant executive director, must be assigned to investigate the incident.

Without limiting the scope of an investigation, an examination must be made to establish compliance with this Practice Directive.

Removal of Body and Management of Property

The body of a deceased prisoner must not be moved from the scene of death until a doctor or registered nurse and an officer of the CSIU has authorised the removal, in addition to a doctor or registered nurse certifying the notification of life extinct. A receipt for the body must be provided to the General Manager of the corrective services facility by the agency removing the body at the time of removal via Transfer of Custody of Body to Queensland Police Service Administrative Form 186.

Management of Prisoner Property

Following the death in custody of a prisoner, pending authorisation by the Chief Executive or delegate, all non-perishable goods and items of property belonging to the deceased prisoner must be recorded and then removed to a secure place for disposal. A description of all perishable goods belonging to the deceased prisoner must be recorded as accurately as possible prior to their disposal.

After the investigating police or QCS investigator/s have given their approval in writing, the Chief Executive or delegate must contact the deceased prisoner's executor or administrator, as appropriate, for instructions regarding disposal of the prisoner's property. Refer CSR s45.

If the deceased prisoner dies interstate or if the executor or administrator can not be determined or located, the Chief Executive or delegate must notify the Public Trustee. Refer to the *Public Trustee Act* (PTA), s29.

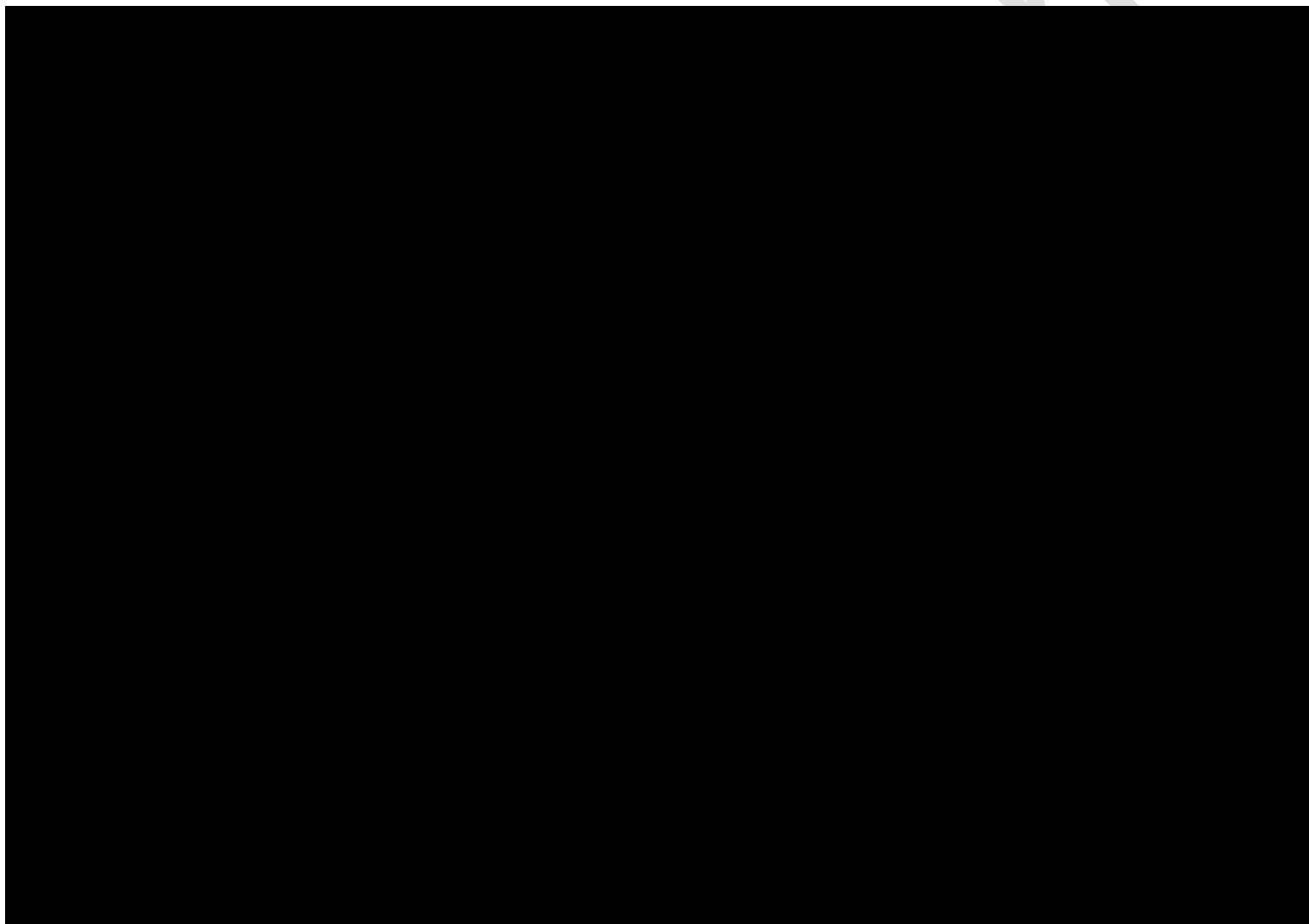
Attempts must also be made to contact the executor or trustee of the prisoner's estate. If contact is made a cheque must be drawn in favour of the prisoner's estate and forwarded to the executor of the estate. If the executor or trustee cannot be located, funds must be held for a minimum of two years as per Section 102B and Section 98 of the PTA before forwarding to the Public Trustee as Unclaimed Money.

Undertake Debrief

Following a death in custody debriefing of persons involved must include, but is not limited to:

- critical incident stress debriefing for all staff involved in the incident in accordance with Managing Traumatic Events at Work
- an operational debrief, facilitated by the relevant manager, for all staff involved in the management of the incident
- the services of counselling through a preferred service provider is to be offered to all staff involved in the incident (the circumstances relating to the incident are to be provided to the counselling service provider by the General Manager of the corrective services facility or nominee)
- appropriate access to a counsellor for prisoners who either experienced the incident or who had significant contact with the deceased prisoner
- if relevant, an appropriate Aboriginal or Torres Strait Islander organisation should be involved in the debriefing.

It is important to note that operational debriefing or counselling should not commence until such time as the QPS have interviewed the staff or prisoners directly involved in the incident. This will ensure that the process of an investigation by the QPS is not compromised. Minutes from operational debriefs should be provided to the inspectors conducting the internal departmental investigation.







Public Version