



Prisoner Accommodation Management ACC

Detention Unit

Custodial Operations Practice Directive

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Scope

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1. Human Rights

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

- a) the prisoner's right to equal and effective protection against discrimination;
- b) the prisoner's right not to be treated or punished in a cruel, inhumane or degrading way;
- c) the prisoner's right to privacy and reputation;
- d) the prisoner's cultural rights – generally and for Aboriginal and Torres Strait Islander peoples;
- e) the prisoner's right to be treated with humanity and respect;
- f) the prisoner's right to freedom of religion, including their right to demonstrate their religion individually or as part of a community;
- g) the prisoner's right to freedom of expression including the freedom to seek, receive and impart information in writing;
- h) the protection of families as the fundamental group unit of society and the protection of children;
- i) the prisoner's right to have access, based on their abilities, to further vocational education and training that is equally accessible to all; and
- j) the prisoner's right to access health services and treatment without discrimination, and the right to not be refused emergency medical treatment that is immediately necessary to save the prisoner's life or prevent serious impairment to the prisoner.

2. Limitation of Human Rights

Human rights can be limited if certain conditions are present:

- a) the limit must be provided under law;
- b) the limit must be reasonable; and
- c) any impositions on the human rights must be demonstrably justified in a free and democratic society based on human dignity equality and freedom.

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

3. Accommodation in a Detention Unit

A detention unit provides for the accommodation of a prisoner who is undergoing a period of separate confinement in the following circumstances:

- a) where the prisoner is found to have committed a breach of discipline and has been ordered to undergo a period of separate confinement; (Refer s118 and s121 of the *Corrective Services Act 2006 (CSA)*); or
- b) subject to a safety order (Refer s53 and s54 of the *CSA*).

The chief executive must ensure a prisoner undergoing separate confinement (refer s4 of the *Corrective Services Regulation 2017 (CSR)*):

- a) can access reticulated water, a toilet and shower facilities that, as far as practicable, are constructed in a way to prevent the prisoner from associating with other prisoners;
- b) is given the same type of mattress, sheets, blankets and pillow as the prisoner would have were the prisoner not in separate confinement;
- c) is given clothing appropriate for the prevailing conditions; and





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- d) is given the opportunity to exercise, in the fresh air, for at least two daylight hours a day, unless a doctor or nurse advises that it would not be in the interests of the prisoner's health to exercise for a stated period or indefinitely.

Where a prisoner refuses or declines the out of cell time, or where the prisoner requests that the out of cell time period ceases early, this must be recorded in a case note on IOMS. A case note must also be made in circumstances where a prisoner does not receive this period of out cell time detailing the reason for same.

When a prisoner is accommodated in a detention unit, for the purposes of a safety order, under s53 of the CSA, all staff must be cognisant of the at-risk indicators that may present as a consequence and take immediate action as required in accordance with the COPD At Risk Management: At Risk where there are grounds for the raising of a Notification of Concern.

In circumstances where a prisoner has been identified as being at-risk of self-harm or suicide, the door between the cell and the exercise yard of the detention unit is not to remain open unless the prisoner is under constant observation.

Where a prisoner is accommodated in a detention unit and has not been identified as being at-risk of self-harm or suicide and does not present with at-risk indicators, any decision in respect to the prisoner's access to the exercise yard will be made in accordance with the ordinary day to day operation of the Unit.

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

- a) no other appropriate accommodation is available;
- b) the placement is necessary to mitigate risk to the prisoner or others; or
- c) the placement 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 is 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.

4. Manage a Prisoner on a Safety Order

A safety order pursuant to s53 of the CSA describing the conditions of the order must accompany the prisoner.

Where a prisoner on a safety order is separately confined (i.e. placed in a detention or safety unit), the prisoner must be given the opportunity to exercise in the fresh air for at least two daylight hours a day. Refer s4(d) of the CSR.

Separate confinement, in relation to a prisoner, means the separation of the prisoner from other prisoners. Refer Schedule 4 Dictionary of the CSA and COPD Safety Orders and Intensive Management Plans: Safety Orders.





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4.1 At Risk observations

If it is determined the most appropriate method of conducting observations of an at-risk prisoner results in the prisoner's separate confinement in a detention unit, safety unit or health centre, a Safety Order must be approved by the Chief Superintendent or nominee of the corrective services facility prior to the prisoner's separate confinement.

The prisoner must be kept in a corrective services officer's line of sight at all times until observations commence in the detention unit, safety unit or health centre. Conditions imposed under s7 and s8 of the CSR, by reference to s53(3) of the CSA, must be clearly defined and documented on the order prior to the prisoner commencing separate confinement (refer s53 of the CSA, Approved Form 5 Safety Order and COPD Safety Orders and Intensive Management Plans: Safety Orders).

4.2 Detention Unit within a Maximum Security Unit (MSU)

A detention unit in a MSU, if available, may be used to accommodate a prisoner:

- a) on a separate confinement order. Refer to COPD Breaches of Discipline and COPD Prisoner Accommodation Management: Maximum Security Unit; or
- b) where circumstances are such that the prisoner's safety or the security or good order of the corrective services facility cannot be achieved in a normal MSU cell. Refer s53 and s58 of the CSA.

5. Prisoner Access to Recreational or General Equipment

All recreational or general equipment available to prisoners in a detention unit must be approved by an Assistant Commissioner within Custodial Operations prior to prisoner issue. Refer Appendix ACC6 Approved Recreational and General Equipment Available to Prisoners in a Detention Unit for current approved items.

Recreational or general equipment in a detention unit available to a prisoner must be inventoried and checked daily to ensure integrity of the item.

A detention unit inventory report must be provided to the Chief Superintendent of the corrective services facility on a quarterly basis.

Prisoner access to items in a detention unit such as brooms, mops etc., should be on a risk assessed basis and items must not be stored or left unattended in exercise yards where they may be used as weapons. For security reasons, all recreational or general equipment that is issued to a prisoner which is not a fixture, must be removed from access and secured on completion of the purpose for which it was issued.





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6. Duties of Officers in a Detention Unit

A Log book must be maintained for all Detention Units. Refer to COPD Daily Operations: Gate Books, Log Books and Registers.

Officers carrying out duties in a detention unit must ensure that the following is undertaken and recorded in the unit Log Book:

- a) a prisoner undergoing separate confinement is given the opportunity to exercise, in the fresh air, for at least two daylight hours a day. Refer s4(d) of the CSR;
- b) regular unit patrols are conducted during the shift;
- c) significant behavioural observations or change to the prisoner's status is recorded and reported to the relevant supervisor;
- d) the prisoner's cell is searched before and after the completion of the prisoner's placement in a detention unit;
- e) each cell and all security fittings are searched at least once a day;
- f) bars and mesh fitted to all cells, windows, exercise yards and other common areas are examined and tapped or checked during unlock and lock away;
- g) a search requiring the removal of clothing must be conducted in accordance with the Chief Executive's Direction for a Search of Prisoners Requiring the Removal of Clothing of Prisoners and s38 of the CSA, before the prisoner begins separate confinement;
- h) all items, including meals, are searched before entry into a detention unit; and
- i) prisoners providing goods and services must not be granted access to a detention unit cell that is occupied and must be closely monitored at all times. This does not include a prisoner who may be approved by the Chief Superintendent of the corrective services facility or nominee to clean the detention unit.

7. Application of Restraints

To prevent a prisoner from harming themselves or others, restraints may need to be applied that result in the prisoner having significantly restricted movement.

Staff need to ensure that the application of restraints meets procedural and legislative requirements and is:

- a) reasonable in the circumstances;
- b) necessary; and
- c) proportionate to the seriousness of the circumstances.

Any restriction should be to the lowest level possible whilst still ensuring:

- a) the prisoner's opportunity to self-harm or harm others is limited to an acceptable level of risk; and
- b) the officers' safety is protected.

In the event that restraints are applied, in addition to the log book requirements, staff rostered to detention units must record:

- a) the time the restraints were applied and when they were removed;
- b) the times apparent good health checks of the prisoner were conducted;
- c) the attendance of medical staff; and
- d) daily cell searches and equipment testing.





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Refer to Appendix SSE24 Safety and Security Equipment Reference Table, QCS Control and Restraint Manual and COPD Use of Force.

Corrective services officers must ensure that prisoners who are restrained are appropriately monitored and that restraints are only applied for the time that is necessary to mitigate the risk posed by the prisoner.

This section does not apply to prisoners who have restraints applied in accordance with Appendix ESC1 Escort Staffing, Weapons and Restraint Matrix for external escorts.

8. Record Keeping

The Chief Superintendent of a corrective services facility must ensure:

- a copy of the instrument authorising the separate confinement of the prisoner is held in the Detention Unit; and
- any management plans relevant to the prisoner are available for staff including an At-Risk Management Plan, Intensive Management Plan, Elevated Baseline Risk or Safer Engagement Strategy where applicable.

A supervisor must check the welfare of prisoners accommodated in the detention unit at least once during their shift or as required under any observation regime. This must be recorded in the unit log book. A supervisor must ensure that any officer performing duties in the detention unit are aware of their responsibility for entering details, including case notes in IOMS and the unit log book as required. It is to include all elements outlined in the COPD Facility Security and this COPD.

Refer to COPD Daily Operations: Gate Books, Log Books and Registers.

9. Daily Routine

The Chief Superintendent of a corrective services facility must document the daily routine and privileges for prisoners detained in the detention unit.

Refer Appendix ACC7 Example Daily Routine Detention Unit – Separate Confinement, Appendix ACC8 Standard Behaviour Requirements - Separate Confinement, Appendix ACC11 Example Daily Routine Detention Unit – Safety Order, Administrative Form 76 Detention Unit Prisoner Accommodation Conditions – Separate Confinement, Administrative Form 77 Detention Unit Prisoner Accommodation Conditions and Administrative Form 78 Detention Unit Prisoner Accommodation Conditions – Safety Order.

10. Staff Access

Only those persons authorised by the Chief Superintendent of a corrective services facility may access a detention unit.

The Chief Superintendent of a corrective services facility must develop processes that ensure specialist staff are able to access the unit when required, enabling them to provide the required level of intervention.





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The Chief Superintendent of a corrective services facility must specify the minimum requirements for staff accessing a cell and escort arrangements, which take into account the reasons for detention, any particular risks posed by the individual prisoner or the specific requirements of the order.

11. Prisoner Privileges

The Chief Superintendent of a corrective services facility must provide for a prisoner's individual needs and consider their human rights in accordance with the reason for their confinement in a detention unit. Consideration must be given for access to:

- a) property (items in cell);
- b) use of plastic plates and cutlery;
- c) telephone calls, mail, visits;
- d) exercise; and
- e) programs, activities and services.

For further details regarding a prisoner undergoing separate confinement refer s4 of CSR 2017, Appendix ACC10 Detention Unit – Authorised Property – Separate Confinement and Appendix ACC9 Detention Unit Authorised Property – Safety Order.

12. Health Concerns

For self-harm/suicide concerns refer to COPD At Risk Management: At Risk.

A prisoner undergoing separate confinement for a breach of discipline must be examined by a doctor or nurse for any health concerns as soon as practicable after the order takes effect and after the order ceases to have effect. Refer s121 of the CSA.

A prisoner who is separately confined under the authority of a safety order in accordance with s53 of the CSA), must be examined for any health concerns:

- a) as soon as practicable after the order is made; and
- b) subsequently, at intervals of not more than seven days for the duration of the order. Refer s57 of the CSA.

Officers must immediately refer any medical needs of a detention unit prisoner to the Queensland Health Nurse Unit Manager and/or a registered nurse.

The Chief Superintendent of a corrective services facility or nominee, in consultation with the Nurse Unit Manager, where applicable, may determine more frequent services in accordance with a prisoner's medical needs or the operational needs of the corrective services facility. A record of that consultation must be recorded in IOMS.

If a prisoner requires medical treatment that cannot be provided in the detention unit, the prisoner must be removed to the Queensland Health centre located within the corrective services facility with the approval of the Chief Superintendent of a corrective services facility.





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13. Electronic Visual and Audio Recordings

The Chief Superintendent of the corrective services facility must provide for the use and storage of electronic visual/audio recordings used in a detention unit and account for all recordings in accordance with the requirements of the COPD Facility Security: Security Management Systems and Intercoms.

Any electronic visual and audio recording registers and log books must be managed in accordance with the QCS Retention and Disposal Schedule.

Electronic visual and audio recordings which depict the commission of an offence in a detention unit, must be treated as evidence and removed from circulation and secured at the direction of the Chief Superintendent of the corrective services facility, or nominee.

Refer to COPD Facility Security: Security Management Systems and Intercoms.

The Chief Superintendent of a corrective services facility must ensure that all personnel operating closed circuit television monitoring and recording devices are acting in accordance with the requirements of the Code of Conduct for the Queensland Public Service.

PUBLIC VERSION

