



Sentence Management Classification and Placement

SM

Custodial Operations Practice Directive

Process Owner: Custodial Operations and Specialist Operations	Security Classification: Official/Public
---	--

Version: 11	Implementation date: 22/02/2024	Review date: 2024
-------------	---------------------------------	-------------------

Scope
<ol style="list-style-type: none">1. Human Rights2. Limitation of Human Rights3. Security Classification and Placement Assessment4. Prisoner Interviews5. Request for Alternative Placement of a Prisoner6. Reconsideration of Security Classification and Placement Decisions7. Notice of Decision8. Work Program – Work Order Assessment and Approval



Official/Public

A printed or saved copy of this document is not the official version



Sentence Management

Classification and Placement

SM

Custodial Operations Practice Directive

1. Human Rights

It is unlawful for corrective services officers to act or make decisions in a way that is not compatible with human rights, or in making a decision, fail to give proper consideration to a human right relevant to the decision.

Giving proper consideration to human rights entails identifying human rights which may be relevant to a decision and considering whether the decision would be compatible with human rights.

A decision will be compatible with human rights when it does not limit a human right, or only limits a right to the extent that is reasonable and demonstrably justifiable.

Human rights which may be relevant include but are not limited to:

- a) recognition and equality before the law;
- b) humane treatment when deprived of liberty;
- c) right to liberty and security of person;
- d) the right to privacy and reputation;
- e) the right to health services;
- f) the protection of families and children; and
- g) cultural rights – generally and for Aboriginal peoples and Torres Strait Islander peoples.

2. Limitation of Human Rights

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

- a) The nature of the human right – this involves looking at the purpose and underlying value of the human right. For example, the protection of families and children provides that families are the fundamental group unit of society and are entitled to be protected by society and the State.
- b) The nature of the purpose of the limitation – this involves considering the actual purpose or legitimate aim/reason for limiting the human right. For example, this practice directive may limit the right of protection of families and children by virtue of a placement decision that is made according to assessed risks and needs.
- c) The relationship between the limitation and its purpose – this involves considering the rational connection between the limitation of the right, and whether this will actually help to achieve said purpose or legitimate aim. For example, the placement of a prisoner is based on assessed risks and needs, including the prisoner classification, programs and interventions required and compatibility issues.
- d) Whether there are any less restrictive and reasonably available ways to achieve the purpose – this involves a 'necessity analysis' where it is necessary to consider the purpose of the limitation and if it can be achieved in any other way. This directive requires that placement decisions are based on assessed risks and needs, with the least restrictive placement as practicable in the circumstances.
- e) The importance between the purpose for the limitation and preserving the human right – this involves a balancing exercise of benefits obtained by the limitation vs the harm caused to the human right. The greater the incursion of the right, the more important the purpose will need to be to justify the limitation. For example, does a placement decision that is the outcome of an assessment of risks and needs outweigh the potential limitation to the protection of families and children?





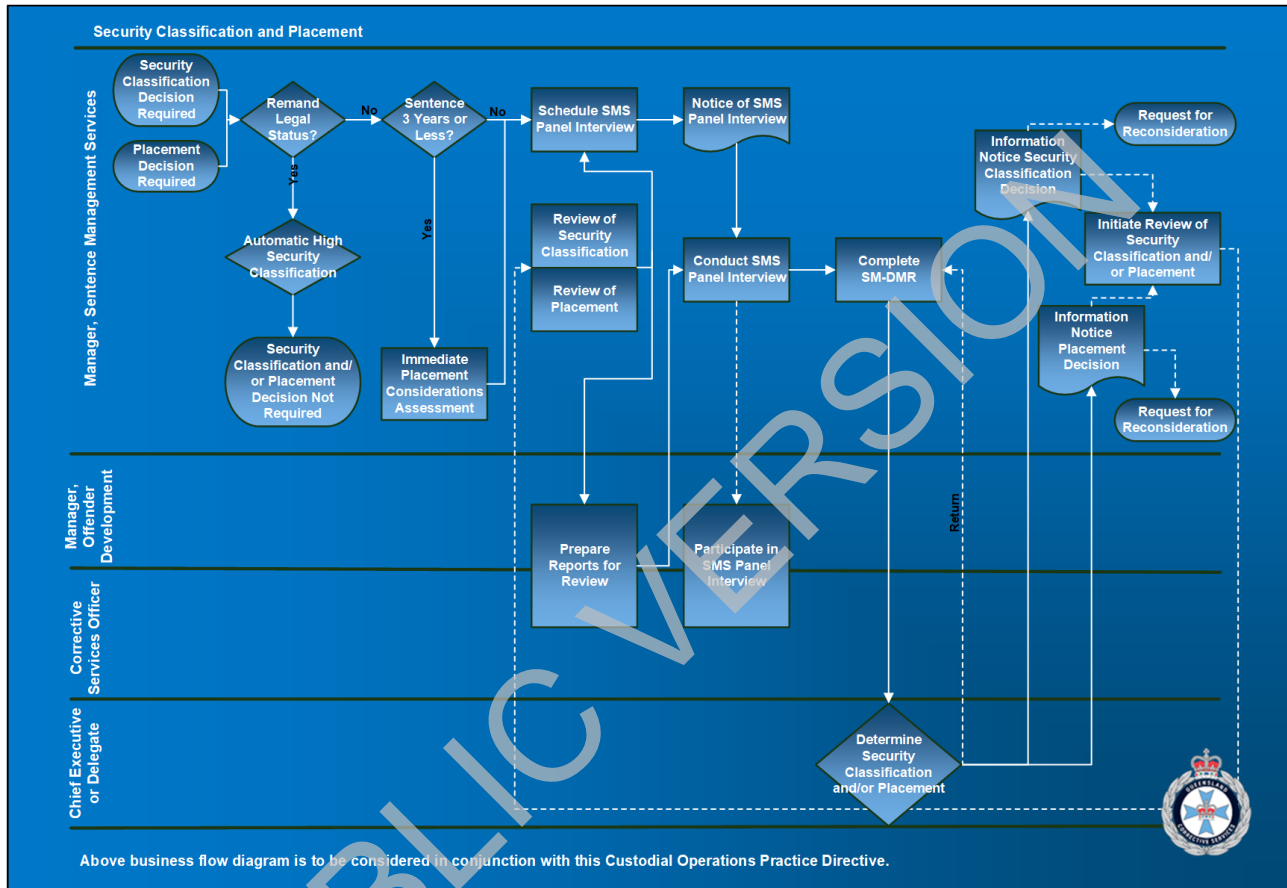
Sentence Management Classification and Placement

SM

Custodial Operations Practice Directive

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

3. Security Classification and Placement Assessment



All Sentence Management Services staff involved in the classification and placement of prisoners must complete the relevant training.

3.1 Security classification decision required

In accordance with section 12(1) of the *Corrective Services Act 2006* (CSA) when a prisoner is admitted to a corrective services facility for detention, within six weeks of admission (following sentencing) the prisoner must be classified into a security classification of low or high.

If a prisoner is admitted to a corrective services facility for detention on remand for an offence and is not serving a term of imprisonment for another offence, pursuant to section 12(1A) of the CSA respectively, the prisoner must only be classified into a security classification of high.

When deciding a prisoner's security classification, the Chief Executive must have regard to each of the following, in accordance with section 12(2) of the CSA:

- the nature of the offence for which the prisoner has been charged or convicted;
- the risk of the prisoner escaping, or attempting to escape, from custody;
- the risk of the prisoner committing a further offence and the impact the commission of the further offence is likely to have on the community;



Official/Public



Sentence Management

Classification and Placement

SM

Custodial Operations Practice Directive

- d) the risk the prisoner poses to himself or herself, and other prisoners, staff members and the security of the corrective services facility;
- e) the length of time remaining to be served by the prisoner under a sentence imposed by a court; and
- f) information about the prisoner, if any, received from a law enforcement agency.

Also, in accordance with section 12(3) of the CSA, the chief executive may have regard to any matter that is relevant to—

- a) the welfare or safe custody of the prisoner or other prisoners; or
- b) the security or good order of the corrective services facility.

As part of any classification decision, the *Human Rights Act 2019* must be considered. Refer to the Appendix SM4 Sentence Management – Decision Making Record Instructions.

Female prisoners are considered for low security classification and placement as a first option, where possible. It is noted a female prisoner, initially classified as high, who is currently being held in custody on remand for a non-violent, non-sexual offence, may have their security classification reviewed under section 13(1) of the CSA and considered for a low security classification. Further, these prisoners may be assessed for placement at a low custody facility in accordance with sections 12(5) and 68 of the CSA.

To ensure appropriate capacity management for female prisoners, corrective services facilities who accommodate this cohort are required to review those prisoners flagged as Not Currently Suitable for Low Custody (NCSLC) in accordance with set review dates.

Sentence Management Services are to:

- a) generate the Events Manager report in the Integrated Offender Management System (IOMS) each Monday, utilising the date range function and selecting Monday to Sunday of each week:
 - i. Event Category – Offender Administration; and
 - ii. Event – NCSLC Review.
- b) review the prisoner's case and determine:
 - i. If the prisoner is now considered suitable for low custody assessment, the centre must then review the prisoner's classification and placement and submit to the delegate;
 - ii. For Southern Queensland Correctional Centre, complete a case summary and submit to the delegate;
 - iii. If the prisoner is not considered suitable, revise and set a future review date; and
 - iv. Record the reasons for the future review date in a case note.
- c) A review date must be determined in accordance with the individual's circumstances with consideration of Appendix SM3 Criteria for Placement in Low Custody.

3.1.1 High security classification

Pursuant to section 12(2) of the CSA, high security classification will be assigned to those prisoners requiring high levels of supervision and highly structured routines to ensure centre security, appropriate behaviour and to maintain prisoner well-being. This security classification will also apply:

- a) for male prisoners admitted to a corrective services facility for detention on remand for an offence and not serving a term of imprisonment for another offence;
- b) for prisoners serving the initial portion of a lengthy period of imprisonment;





Sentence Management

Classification and Placement

SM

Custodial Operations Practice Directive

- c) for male prisoners who have been sentenced but further remanded for violent offences (including interstate charges);
- d) for any prisoners subject to extradition or immigration removal unless it can be determined the prisoner is not at risk of escape and does not have any other precluding factors; and
- e) for prisoners who have been convicted of escape, attempting to or preparing to escape during the current period of imprisonment.

Prisoners recently received into the correctional system, who have not yet been classified, are to be managed as high security prisoners.

3.1.2 Low security classification

Low security classification will be assigned to prisoners requiring limited direct supervision, considered not to be an escape risk and assessed as a minimal risk of causing harm to the community. This may include short-term prisoners and those who are nearing release from lengthy sentences.

Where determined relevant by the Chief Executive or delegate, a panel interview is to be conducted. Refer to section 4 Prisoner Interviews, of this COPD.

In reaching a decision or formulating a recommendation for the delegate, the prisoner's individual circumstances must be considered with respect to each of the legislative factors set out in section 12(2) of the CSA and outlined in the Sentence Management-Decision Making Record (SM-DMR). While the legislative criterion forms the foundation for determining a prisoner's security classification, any other relevant information available may be taken into consideration. If other information is considered as a part of the decision making process, it is to be recorded in the SM-DMR.

Refer to the Queensland Corrective Services Instrument of Delegation of Chief Executive Powers.

3.1.3 Serious Offenders Unit (SOU)

The SOU is responsible for providing targeted oversight and management of prisoners with an SOU warning flag, subject to the area/s of interest endorsed within the SOU warning flag.

Security classification decisions for prisoners with an SOU warning flag, where security classification is endorsed as an area of interest are coordinated by the SOU. Security classification decisions for prisoners with an SOU warning flag where security classification is **not** endorsed as an area of interest are coordinated by centre-based Sentence Management staff.

Case summaries may be required to assist the delegate's interview, in these instances the SOU will request a case summary from the relevant centre ahead of the delegate's scheduled interviews. Completed case summaries are to be forwarded via email to

within the timeframe specified by the SOU.

3.1.4 Maximum Security Orders

Where it is determined that the risks a prisoner poses are so significant the prisoner cannot be effectively managed within the mainstream prisoner population, the Chief Executive or delegate may refer to section 60 of the CSA to inform the making of a Maximum Security Order.





Sentence Management

Classification and Placement

SM

Custodial Operations Practice Directive

Prisoners subject to a Maximum Security Order are managed under regimes that may moderate aspects of their behaviour including interaction with staff, other prisoners and visitors.

Further, if a prisoner is known to have or it is reasonably believed to have a mental health condition or intellectual disability, a health practitioner (as defined in the *Mental Health Act 2016*) must be notified before a Maximum Security Order is made. It is noted this notification does not delay the placement of the prisoner in a maximum security unit or other prisoner accommodation area by requiring an assessment be conducted prior to their placement.

Refer to section 16 of the Corrective Services Regulation 2017 (CSR) and to the Custodial Operations Practice Directive (COPD) Sentence Management: MSO Management.

3.1.5 Maximum Security Advisory Team (MSAT)

The MSAT are responsible for the processing of referrals for prisoners to be placed on Maximum Security Orders, as well as any security classification and placement decisions for these prisoners, for consideration of the authorised delegate.

Refer to the COPD Sentence Management: MSO Management.

3.1.6 *Dangerous Prisoners (Sexual Offenders) Act 2003*

Prisoners who are subject to an order under the *Dangerous Prisoners (Sexual Offenders) Act 2003* (DPSOA) require an initial security classification **only**. Reviews of security classifications for these prisoners are not required, unless the prisoner is also serving a concurrent order of imprisonment. Refer to section s13(2B)(b)(i)-(ii) of the CSA.

3.1.7 Terrorist prisoners

For information on the classification of prisoners accommodated in a corrective services facility in relation to offences under the *Terrorism (Commonwealth Powers) Act 2002* or equivalent state legislation, refer to the COPD Terrorist Prisoners: Terrorist Prisoner Management and Terrorist Prisoners: Preventative Detention Orders.

3.2 Placement Decision Required

A placement decision is made when necessary to determine the most appropriate placement within the correctional system for a prisoner. This is completed in accordance with section 68 of the CSA and section 3 of the CSR.

Sentence Management Services is responsible for placement decisions of prisoners in corrective services facilities to:

- ensure the prisoner is accommodated according to assessed risks and needs, with the least restrictive placement as practicable in the circumstances;
- enable eligible prisoners the opportunity to participate in identified reintegration and intervention activities (e.g. the Work Program, community service leaves of absence and programs) to support progression;
- support a valid prisoner placement request;
- give consideration to a prisoner's protection status and/or compatibility issues (including those raised through a centre placement request); and
- effectively utilise QCS resources.





Sentence Management

Classification and Placement

SM

Custodial Operations Practice Directive

All prisoners who are required to be transferred from the current corrective services facility require a placement decision to be made and recorded in a SM-DMR in IOMS. This excludes a procedural placement for the transfer of prisoners solely on remand who are required to be transferred to another corrective services facility:

- a) where upon arrival they are assessed for appropriate placement; and
- b) are transferring between corrective services facilities within the same region.

In this situation, only the Approved Form 9 Order for Transfer of a Prisoner is required. For example, remand prisoners transferring from Brisbane Womens Correctional Centre (BWCC) to Southern Queensland Correctional Centre. Any subsequent transfers, including returning to the original centre, must be processed via a SM-DMR.

During the initial placement process consideration may be given to placing a prisoner in a facility outside the region in which they reside for the purposes of capacity utilisation. Refer to the COPD Sentence Management: Transfers. An Administrative Form 84 Prisoner Placement Request is not required when completing an initial placement (refer to section 5, Request for Alternative Placement of a Prisoner, section of this COPD) however, confirmation of a prisoner's preferred placement location should be obtained as part of the initial placement process.

Prisoners who are to be transferred to and from a Safety Unit are also excluded from requiring a placement decision to be made and recorded in a SM-DMR in IOMS. A detailed case note providing information about the transfer must be made. These prisoners only require the Approved Form 9 Order of Transfer of a Prisoner to be completed by Sentence Management and will be coordinated by the relevant centre Chief Superintendents regardless of the timeframe the prisoner is in the Safety Unit. This also applies if the prisoner is a part of the SOU cohort, however notification of this transfer must be provided to SOU via email to

Initial placement decisions must be completed within six weeks of admission (following sentencing). Placement decisions made more than six weeks following a prisoner's admission into QCS custody or sentencing, whichever is the latter, are not to be considered initial placement decisions, unless otherwise determined by the Chief Executive or delegate. This is to allow the prisoner the right to reconsideration under section 71 of the CSA in circumstances that are outside their control.

Where determined relevant by the Chief Executive or delegate an interview is to be conducted. Refer to section 4, Prisoner Interviews, of this COPD.

In those instances where the Chief Executive or delegate is not present at the interview, a recommendation is to be made and forwarded to the decision maker for determination. Placement decisions including reasons for the decision are to be recorded in the SM-DMR in IOMS.

The Chief Executive or delegate may make a placement decision to transfer a prisoner to another corrective services facility in accordance with section 68 of the CSA. For transfers of prisoners related to medical, psychological, substance dependency examination or treatment, refer to the COPD Sentence Management: Transfers.

Refer to the Queensland Corrective Services Instrument of Delegation of Chief Executive Powers and the Appendix SM4 Sentence Management – Decision Making Record Instructions.





Sentence Management

Classification and Placement

SM

Custodial Operations Practice Directive

3.2.1 Placement considerations

The needs and human rights of the individual, including the management and progression of the prisoner, must be balanced against QCS' requirement to efficiently and effectively manage the correctional system as a whole. The following is to be taken into account by the Chief Executive or delegate in making a decision regarding prisoner placement:

- a) the prisoner's relevant human rights. Refer to the Appendix SM4 Sentence Management– Decision Making Record Instructions;
- b) the supervision requirements as reflected by the prisoner's security classification;
- c) the length of the sentence the prisoner has served to date and the proximity of their release dates (i.e. parole and full time discharge);
- d) the prisoner's safety including compatibility issues, associates, protection status and history of sexual assault in a correctional environment;
- e) any violence perpetrated by a prisoner either while in custody or in the community with specific consideration given to the nature of the violence including; relationship to the victim (e.g. domestic violence versus stranger violence), any patterns of violent offending and/or severity of violent behaviour;
- f) any outstanding court requirements – proximity to the court where the prisoner's matters are to be heard (unless other issues including compatibility issues or security threats that cannot be managed at the location are present);
- g) access to activities and interventions to achieve planned goals and activities;
- h) any medical conditions including mental health issues and requirements for external medical appointments;
- i) the prisoner's personal circumstances including access to family and primary social supports;
- j) the prisoner's association with Groups of Interest (GOI) including any active or recent intelligence information; and
- k) any other relevant factor.

3.2.2 Secure corrective services facility

All prisoners who are classified high security must be accommodated in secure corrective services facilities. Refer to section 12(4) of the CSA.

3.2.3 Low custody facility

Prisoners allocated a low security classification may be accommodated in a low custody facility. Refer to sections 12(5) and 12(6) of the CSA.

The Statewide Low Custody Team are responsible for low custody placement decisions of prisoners, excluding those who are in the SOU cohort, have a conviction for escape, attempting or preparing to escape during the current period of imprisonment or have returned to custody after removal of an electronic monitoring device in the current episode. Referral to the Statewide Low Custody Team will be made by sending a completed Low Custody Pack, including an Administrative Form 179 Low Custody Pack Checklist, via email to [REDACTED]

When considering placement in a low custody facility staff must refer to Appendix SM3 Criteria for Placement in Low Custody and, where relevant section 3.4 Immediate placement considerations assessment of this COPD. When considering suitability for the Work Program, staff must refer to section 8 Work Program – Work Order Assessment and Approval of this COPD.





Sentence Management

Classification and Placement

SM

Custodial Operations Practice Directive

3.2.4 Victims Register flag

For prisoners who have a Victims Register (VR) flag, who are under consideration for placement at a low custody facility or a transfer between low custody facilities, Sentence Management Services must send an email request (via their centre's/unit's generic inbox) to the Victims Register (Victims.Register@corrections.qld.gov.au) for a proximity check of the proposed placement.

The email to the Victims Register should contain the prisoner's IOMS number, full name, date of birth, and the name of the low custody facility under consideration for placement/transfer.

The Victims Register will advise Sentence Management Services if any relevant information is required to be provided to the delegate as a factor for consideration in deciding the prisoner's placement at a low custody facility or transfer between low custody facilities.

3.2.5 Outstanding charges for a domestic violence offence

For prisoners who do not have an SOU warning flag and have outstanding charges for a domestic violence offence, particular consideration must be placed on the alleged nature of the further domestic violence offending, in combination with all other factors identified in the Appendix SM3 Criteria for Placement in Low Custody. Regardless of gender, any allegation of violence is considered to be a disqualifying factor until the charges are finalised.

3.2.6 Sentenced further remanded

Sentenced further remanded prisoners, who meet all suitability criteria, can be assessed for placement in a low custody facility providing their outstanding charge is non-violent and the decision considers all areas of risk and community expectations.

3.2.7 Aboriginal or Torres Strait Islander prisoners

When conducting a placement assessment for an Aboriginal or Torres Strait Islander prisoner consideration must be given to section 3 of the CSR.

Pursuant to section 3 of the CSR, an Aboriginal or Torres Strait Islander prisoner is to be accommodated in a corrective services facility as close as practicable to the prisoner's family unless the Chief Executive or delegate is satisfied the prisoner does not want to be accommodated near their family.

In deciding what is practicable, all relevant factors must be considered, including, for example, the following:

- whether the prisoner's accommodation in the corrective services facility closest to the prisoner's family would pose an unacceptable risk to the safety of persons, including the prisoner, in the facility; and
- the prisoner's security classification; and
- any orders to which the prisoner is subject.

3.2.8 Guardianship and/or Administration Order

If a prisoner has an active Guardianship and/or Administration Order warning flag indicator in IOMS a notification is to be made to the Office of the Public Guardian via email publicguardian@publicguardian.qld.gov.au upon a placement decision being made. Refer to the COPD Prisoner Entitlements: Office of the Public Guardian.





Sentence Management

Classification and Placement

SM

Custodial Operations Practice Directive

3.2.9 Protection prisoners

Protection prisoners should be placed in their current region where possible and considering section 3 of the CSR. However, protection prisoners must be advised that in some circumstances, this may not occur due to availability of protection cells and individual needs of the prisoner.

Refer to the COPD Prisoner Accommodation Management: Cell Allocation for further information about Protection prisoners.

3.2.10 Safety and security concerns

Where a placement decision is required to be made for the purposes of immediate placement at another location due to safety or security concerns, the SM-DMR and supporting documentation must be forwarded directly to the Chief Executive or delegate for determination. In these circumstances a Sentence Management Services interview is not required. Refer to the COPD Sentence Management: Transfers.

3.2.11 Serious Offenders Unit (SOU)

Placement decisions for prisoners with an SOU warning flag where placement is endorsed as an area of interest are coordinated by the SOU except in circumstances where a prisoner is transferred to and from a Safety Unit, court, and/or a medical appointment.

Placement decisions for prisoners with an SOU warning flag where placement is **not** endorsed as an area of interest are coordinated by centre-based Sentence Management Services.

Case summaries may be required to assist the delegate's interview, in these instances the SOU will request a case summary from the relevant centre ahead of the delegate's scheduled interviews. Completed case summaries are to be forwarded via email to

within the timeframe specified by the SOU.

3.2.12 Terrorist prisoners

For information on the placement of prisoners accommodated in a corrective services facility in relation to offences under the *Terrorism (Commonwealth Powers) Act 2002* or equivalent state legislation, or detained subject to a Preventative Detention Order (PDO) under the *Terrorism (Preventative Detention) Act 2005*, refer to the COPD Terrorist Prisoners: Terrorist Prisoners: Preventative Detention Orders.

3.2.13 Prisoners of interest to Australian Border Force (ABF)

Sentenced prisoners, who are of interest to the Australian Border Force (ABF) or who the ABF have advised will be subject to deportation/removal (those prisoners flagged Australian Border Force – Interest (ABF-I) or Australian Border Force – Remove (ABF-R)), may be considered for placement at a low custody facility if they are not considered to be a risk of escape, and do not have any other precluding factors. Staff are to refer to the Appendix SM3 Criteria for Placement in Low Custody and the Appendix SM4 Sentence Management–Decision Making Record Instructions.





Sentence Management

Classification and Placement

SM

Custodial Operations Practice Directive

3.2.14 Prisoners convicted of sexual offences, murder or sentenced to life imprisonment

Subject to section 271C of the CSA, prisoners who have been convicted of a sexual offence listed in Schedule 1 of the CSA, convicted of murder or sentenced to life imprisonment, are not eligible to be accommodated in a low custody facility in accordance with section 68A of the CSA.

3.2.15 Prisoners who identify as Lesbian, Gay, Bisexual, Trans/transgender, Intersex, Queer/questioning and Asexual (LGBTIQA+)

QCS staff must treat all prisoners with respect. Prisoners must not be discriminated against or harassed on the grounds of their medical condition, sexual identity, gender identity, intersex status or related issues.

Considerations relevant to the LGBTIQA+ cohort of prisoners (where this is known) must be taken into account during any decision making. Decisions are to be made on a case by case basis following an individualised assessment of relevant factors, including the reasonableness of the actions being considered.

3.2.16 Transgender prisoners

The initial placement decision for a transgender prisoner must be made by the Assistant Commissioner within Custodial Operations in consultation with the Chief Superintendent of the corrective services facility.

Subsequent transfer decisions for a transgender prisoner must be made by the relevant Sentence Management Services delegate in consultation with the Chief Superintendent of the corrective services facility.

When making the placement decision the following factors must be considered:

- a) the risk the prisoner may pose to the safety and security of the placement facility;
- b) the nature of the offending;
- c) the prisoner's personal circumstances;
- d) the risk to the prisoner or to other prisoners at the placement facility;
- e) the views of the prisoner's treating medical practitioner or psychiatrist (if known/available);
- f) whether the prisoner has lived as a member of the acquired gender in the community and for what length of time;
- g) whether the prisoner has had hormone treatment at any time;
- h) whether the prisoner has undergone or is undergoing a medical or surgical procedure (or a combination of such procedures) to alter the genitals and other gender characteristics of the prisoner identified by a birth certificate, so that the prisoner could be identified as a person of the acquired gender;
- i) the prisoner's preference for accommodation in a male or female corrective services facility;
- j) any concerns expressed by staff and the prisoner in relation to the prisoner's safety;
- k) where the prisoner could be accommodated appropriately within the placement facility; and
- l) any other factors considered relevant.

The Assistant Commissioner within Custodial Operations is to be advised of relevant transgender prisoner management considerations, including placement, transfer or significant events involving the prisoner.

A transgender prisoner who has had reassignment surgery completed and noted in the Register of Births is excluded from this requirement.





3.2.17 Placement of mothers and babies at low custody facilities

Female prisoners are able to apply to be accommodated with their child at Numinbah Correctional Centre or Helana Jones Centre. In addition, pregnant women at BWCC will be prioritised for an initial security classification or review to determine their suitability to be granted a low security classification, and to assess their suitability for placement within a low custody centre. If/when granted, these prisoners will be transferred to either Helana Jones Centre or Numinbah Correctional Centre. This option will be open to both sentenced and remanded prisoners. Pregnant women who are not considered suitable to be granted a low security classification, or placement in low custody will remain at BWCC.

It is noted that the existing criteria regarding suitability for low security classification still applies.

Refer to the COPD Female Prisoners and Children.

3.3 Security classification and placement decision not required

In accordance with section 12(1A) of the CSA, a security classification decision is not required for prisoners with a legal status of remand and who are not serving a term of imprisonment for another offence as such prisoners must be assigned a high security classification. A placement decision, including completion of the SM-DMR is also not required for prisoners solely on remand.

It is noted a female prisoner who is currently being held in custody on remand for a non-violent, non-sexual offence, may have their automatically assigned high security classification reviewed under section 13(1) of the CSA and be considered for a low security classification. Further, these prisoners may be assessed for placement at a low custody facility in accordance with sections 12(5) and 68 of the CSA. An SM-DMR will be required for these prisoners.

PUBLIC

An interview is to be scheduled by Sentence Management Services for determination of low custody placement. Refer to section 4, Prisoner Interviews, of this COPD.

Refer to the Queensland Corrective Services Instrument of Delegation of Chief Executive Powers.





Sentence Management Classification and Placement

SM

Custodial Operations Practice Directive

3.5 Complete Sentence Management – Decision Making Record (SM-DMR)

The evidence, facts and reasons used to determine security classification and/or placement is to be recorded in the SM-DMR in IOMS in a clear and coherent manner.

The reasons for a prisoner's preference for placement must be recorded in the SM-DMR in IOMS and any written submissions or briefing notes or oral submissions must be maintained in IOMS or the Offender File.

The date of review is to be recorded in the SM-DMR in IOMS and must fall within the legislative requirements of section 13 of the CSA.

The SM-DMR document must be completed in accordance with the Appendix SM4 Sentence Management–Decision Making Record Instructions. This appendix contains important requirements that must be adhered to by staff preparing the SM-DMR and decision makers.

Refer to the Queensland Corrective Services Instrument of Delegation of Chief Executive Powers.

3.5.1 Recording the consideration of confidential information

Pursuant to section 341(5) (a) of the CSA, confidential information includes information:

- a) about a person's private details; or
- b) that could reasonably be expected to pose a risk to the security or good order of a corrective services facility; or
- c) that could reasonably be expected to endanger anyone's life or health, including psychological health; or
- d) that could reasonably be expected to prejudice the effectiveness of a test or audit; or
- e) that could reasonably be expected to divulge the identity of an informant or a confidential source of information; or
- f) that could reasonably be expected to disclose an expert's advice or recommendation about an offender; or
- g) that could reasonably be expected to prejudice a law enforcement agency's investigation; or
- h) that could have a serious adverse effect on the commercial interests, or reveal commercial-in-confidence interests, of an engaged service provider.





Sentence Management

Classification and Placement

SM

Custodial Operations Practice Directive

Normally, such information will be intelligence information which cannot be disclosed to the prisoner or any other person (unless an exception under section 341(3) of the CSA applies) as this may compromise the safety and security of the corrective services facility or place an individual's safety at risk including escape related intelligence.

In the SM-DMR the Chief Executive or delegate must record that intelligence information influenced the decision and be as specific as possible regarding what can and cannot be disclosed to the prisoner and for what reason. Refer to the Appendix SM4 Sentence Management–Decision Making Record Instructions.

3.5.2 Interstate transfers into Queensland

Information pertaining to the prisoner's response to the correctional environment prior to their interstate transfer should be included in the decision making process such as:

- a) institutional behaviour;
- b) involvement in work, programs and other interventions;
- c) current assessment outcomes; and
- d) any other relevant information that can be obtained.

This information should be used to assist when completing the SM-DMR.

An additional two week period may be taken to complete the SM-DMR to enable a more comprehensive summary in the event the information is not available at the time of the prisoner's transfer to Queensland.

3.6 Determine security classification and/or placement

The Chief Executive or delegate must have regard to the factors outlined in section 12 of CSA when determining a prisoner's security classification. The Chief Executive or delegate must consider all the available information relevant to each of the factors and determine the most appropriate security classification for the prisoner at the time the assessment is conducted.

Decision makers must determine which of the factor/s will most influence the decision and also the degree of influence.

Principles of administrative decision making are to be applied to all security classification and placement decisions. Refer to the Queensland Corrective Services Administrative Decision Making Guideline.

The SM-DMR is to be forwarded to the Chief Executive or delegate within one week of a prisoner's interview. It is the responsibility of the Chief Executive or delegate to enter the security classification and/or placement decision including reasons for the decision/s in the SM-DMR in IOMS. The date of effect of a security classification decision must be recorded in the decision.

The legislative timeframes for the review of security classification are taken from the date of the last decision. The date of review is to be recorded in the SM-DMR in IOMS. Refer to section 13 of the CSA, Appendix SM4 Sentence Management–Decision Making Record Instructions and section 3.7 Review of security classification section of this COPD.





Sentence Management

Classification and Placement

SM

Custodial Operations Practice Directive

Any disputes regarding the appropriate placement of a prisoner at a corrective services facility are to be elevated to the Chief Superintendent, Sentence Management Services for consultation with an Assistant Commissioner within Custodial Operations. Refer to section 68 of the CSA, the Queensland Corrective Services Instrument of Delegation of Chief Executive Powers and the Instrument of Limitation of Corrective Services Officers Powers.

3.7 Review of security classification

A review of a prisoner's classification and placement can be conducted in one process at the same time or separately at different times, either prescribed or optional, during a prisoner's term of imprisonment. Refer to section 13 of the CSA.

A review of the prisoner's placement need only occur in circumstances where the prisoner is to be transferred to another corrective services facility under section 68 of the CSA or in accordance with the provisions of section 71 of the CSA.

Minimum Review Timeframes			
Review Type	Prisoner Category	Review of Security Classification	Review of Placement
Prescribed Review	High Security Classification (excluding remand only legal status, or where the prisoner is held in custody on a relevant civil order under section 13(2B)(b) of the CSA)	<ul style="list-style-type: none"> At any time, as determined by the Chief Executive. Where the prisoner requests the security classification be reviewed and the prisoner has not requested the classification be reviewed during the previous 12 months; Where the security classification: <ul style="list-style-type: none"> (i) has been high for the previous 3 years; and (ii) has not been reviewed in the previous 3 years. 	When required
Event-based Review (EBR)	All	<p>For a prisoner whose term of imprisonment is changed by a court order – when the court orders the change, an EBR must be completed within six weeks.</p> <p>Following a significant event that has a potential to impact on a prisoner's security classification, such as a prisoner is returned to secure custody from low custody, an EBR must be completed within 28 days.</p>	For prisoners returned to secure custody from low custody an EBR must be completed within 28 days.
Event-based Review (EBR) (cont.)	All		





Sentence Management

Classification and Placement

SM

Custodial Operations Practice Directive

Further to the above legislative requirements a prisoner's security classification may be reviewed in response to significant change or changes in the prisoner's circumstances including:

- a) at any time where a concern regarding an elevation in escape risk is raised;
- b) following a serious assault on another prisoner or staff member;
- c) following repeal or amendment of a work order; or
- d) following any other significant event that may indicate a need for an increase or reduction in security classification such as returning a positive urinalysis test, inappropriate behaviour or completion of a significant intervention milestone.

Where determined relevant by the Chief Executive or delegate an interview is to be conducted. Refer to section 4, Prisoner Interviews, of this COPD.

Determinations of security classification must be made in accordance with the security classification sections of this COPD.

Refer to the Queensland Corrective Services Instrument of Delegation of Chief Executive Powers.

3.7.1 Guardianship and/or Administration Order

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

3.7.2 SOU prisoners

Reviews of security classification for a prisoner with an SOU warning flag where security classification is endorsed as an area of interest are coordinated through SOU.

Reviews of security classification for a prisoner with an SOU warning flag where security classification is **not** endorsed as an area of interest are coordinated by centre-based Sentence Management Services.

Case summaries may be required to assist the delegate's interview, in these instances the SOU will request a case summary from the relevant centre ahead of the delegate's scheduled interviews. Completed case summaries are to be forwarded via email to [REDACTED] within the timeframe specified by the SOU.

The SOU will prepare a preliminary decision and forward to centre-based Sentence Management Services for discussion with the prisoner. Centre-based Sentence Management Services must discuss the preliminary decision with the prisoner within three business days. Prisoner responses to a preliminary decision must be forwarded to SOU via email within one business day of centre-based Sentence Management Services receiving the response.

[REDACTED]





Sentence Management

Classification and Placement

SM

Custodial Operations Practice Directive

3.7.3 Management of terrorist prisoners

For information on the review of classification of prisoners accommodated in a corrective services facility in relation to offences under the *Terrorism (Commonwealth Powers) Act 2002* or equivalent state legislation, refer to the COPD Terrorist Prisoners: Terrorist Prisoner Management.

3.7.4 Progression to residential accommodation

During the review of a prisoner's security classification Sentence Management Services may identify the prisoner as suitable for referral to the relevant correctional manager for assessment for placement in residential accommodation.

Refer to the COPD Prisoner Accommodation Management: Cell Allocation and the Queensland Corrective Services Instrument of Delegation of Chief Executive Powers.

3.8 Review of placement

A review of placement is conducted to ensure a prisoner is placed at the most appropriate location within the correctional environment for their management and progression.

A review of placement may occur at any time including:

- at the time of review of security classification where consideration for transfer to another corrective services facility is indicated;
- due to a significant change in the prisoner's circumstances including in response to identified safety and security issues or referral/completion of a recommended program;
- in response to a request for placement from the corrective services facility;
- upon receipt of a valid request including exceptional circumstances from the prisoner; and
- to ensure the effective utilisation of QCS resources (while still considering the relevant human rights of the prisoner).

A decision to transfer a prisoner from one corrective services facility to another should have regard to the factors outlined in section 3.2 Placement decision required in this COPD. Consideration must also be given to the prisoner's attitude towards any pending immigration removal or extradition.

Staff must consider Appendix SM3 Criteria for Placement in Low Custody when assessing a prisoner's suitability to transfer to a low custody facility.

Refer to section 5 Request for Alternative Placement of a Prisoner of this COPD when a request to transfer to another corrective services facility is received from either the corrective services facility or the prisoner.

Where determined relevant by the Chief Executive or delegate an interview is to be conducted. Refer to the Appendix SM5 Sentence Management Interview Process. In the case of a placement decision as a result of a significant event such as escape related information, risk to the prisoner, behavioural problems or capacity management, the prisoner can be moved without conducting a prisoner interview. Determinations of placement must be made in accordance with the placement sections of this COPD.

Refer to the Queensland Corrective Services Instrument of Delegation of Chief Executive Powers.





Sentence Management

Classification and Placement

SM

Custodial Operations Practice Directive

3.8.1 Alternative placement for capacity utilisation purposes

Sentence Management Services is responsible for the safe and efficient management of cell capacity utilisation within a corrective services facility. To more effectively utilise QCS resources, an alternative placement of a prisoner may be requested by centre based Sentence Management Services on an involuntary basis. The Chief Executive or delegate must consider the placement requirements detailed in section 5.4.4 Determine placement section of this COPD.

3.8.2 Involuntary transfer

Placement of prisoners who have been subject to involuntary transfer must be considered at each review of classification. The review must include assessment of the ongoing impact of dislocation, welfare and support needs and identify opportunities for support should the placement be required to continue.

Subject to availability of beds and pending no ongoing identified risks to the security and good order of a corrective services facility, prisoners who have been subject to involuntary transfer are to be offered the opportunity to be returned to their centre of origin in the month preceding discharge to facilitate community transition arrangements upon release from custody. If the prisoner is assessed as unsuitable to transfer back to their facility of origin, the prisoner's transitional arrangements and the provision of assistance to return to their community must be considered.

3.8.3 Prisoners returned to secure custody from low custody

The Chief Executive or delegate is to ensure either an incident report or a case note is entered in IOMS upon a prisoner returning from low custody to secure custody for safety, security and/or behavioural management reasons. The Chief Executive or delegate is also to ensure the Regional Manager, Sentence Management Services is advised of the decision. The record in IOMS must include:

- who made the decision for the prisoner to be returned to secure custody;
- the reason/s the decision was made;
- information provided to the prisoner as to what action was being taken and the reason/s for their return to secure custody; and
- identification of any outstanding investigations or breach actions that would impede an EBR of the prisoner's security classification and/or placement.

Any prisoner returned to secure custody as a result of a drug related incident must have their suitability for placement in low custody assessed in accordance with Appendix SM3 Criteria for Placement in Low Custody.

Male prisoners are ineligible to transfer to low custody for three months. Following this three month period the delegate is able to reconsider low custody placement.

To meet the unique risks and needs of female prisoners, any response to a drug related incident made by the delegate, needs to take into consideration the individualised risks/needs of the prisoner.

The timeframe in which female prisoners may be returned to a low custody facility following a drug related incident is at the discretion of the delegate in consultation with centre management.

Refer to the COPD Substance Testing and Appendix SM3 Criteria for Placement in Low Custody.





Sentence Management

Classification and Placement

SM

Custodial Operations Practice Directive

If a prisoner is transferred from low custody to secure custody as a result of inappropriate behaviour, an EBR is to be conducted by Sentence Management Services to review the prisoner's security classification and/or placement within 28 days.

If a prisoner is transferred from low custody to secure custody as a result of a medical condition the prisoner's suitability for placement in low should be assessed if the medical condition is subsequently stabilised. A low custody interview is not required in this circumstance but advice from medical staff should inform the assessment. Prisoners who may be subsequently suitable for return to low custody may include:

- a) a prisoner with a diagnosed psychiatric condition demonstrating an ability to self-regulate behaviour as a result of a change in medication;
- b) a prisoner with a medical condition that required access to 24 hour medical assistance having the condition stabilised and no longer requiring access to 24 hour medical assistance.

Prior to returning the prisoner to low custody placement, the Chief Executive or delegate should consider input from the Chief Superintendent of the corrective services facility.

3.8.4 Management of terrorist prisoners

For information on the review of placement of prisoners accommodated in a corrective services facility in relation to offences under the *Terrorism (Commonwealth Powers) Act 2002* or equivalent state legislation, refer to the COPD Terrorist Prisoners: Terrorist Prisoner Management.

3.8.5 Aboriginal or Torres Strait Islander prisoners

When reviewing an Aboriginal or Torres Strait Islander prisoner's placement including a prisoner request for alternative placement, the requirements of section 3 of the CSR must be considered.

Where practicable, the Cultural Liaison Officer should be present, or consulted when discussing transfer issues relating to an Aboriginal or Torres Strait Islander prisoner. The Cultural Liaison Officer is responsible for coordinating the prisoner's transitional needs and ensuring they are continued following transfer between corrective services facilities in preparation for discharge.

3.8.7 Allegations of sexual assault

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





Sentence Management Classification and Placement

SM

Custodial Operations Practice Directive

3.8.8 Serious Offenders Unit

Placement decisions for prisoners with an SOU warning flag where placement is endorsed as an area of interest are coordinated by the SOU. All transfer requests are to be forwarded to SOU via email to [REDACTED]

Placement decisions for prisoners with an SOU warning flag where placement is **not** endorsed as an area of interest are coordinated by centre-based Sentence Management staff.

3.9 Prepare reports for review

For reviews of security classification and/or placement corrective services facility staff are required to prepare a case report relevant to the review detailing:

- a) the prisoner's institutional conduct, employment and behaviour;
- b) the prisoner's attitude towards staff and other prisoners;
- c) changes that the prisoner is required to make or progress that has been made in terms of conduct, behaviour, attitude towards staff, other prisoners and work; and
- d) pre-release transitional activities.

And, where relevant, determination must be made concerning:

- a) the prisoner's progress to date;
- b) goals, strategies and activities including pre-release planning for the next review period;
- c) the prisoner's classification;
- d) the prisoner's risk of escape; and
- e) the prisoner's placement.

Reports must be entered in IOMS one week prior to the scheduled interview.

4. Prisoner Interviews

Sentence Management Services is responsible for the scheduling, pre-panel preparation and organisation of interviews. Refer to the Appendix SM5 Sentence Management Interview Process.

Where a prisoner is being considered for placement in a low custody facility by the Statewide Low Custody Team, an Administrative Form 180 Prisoner Low Custody Interview Form will be completed.



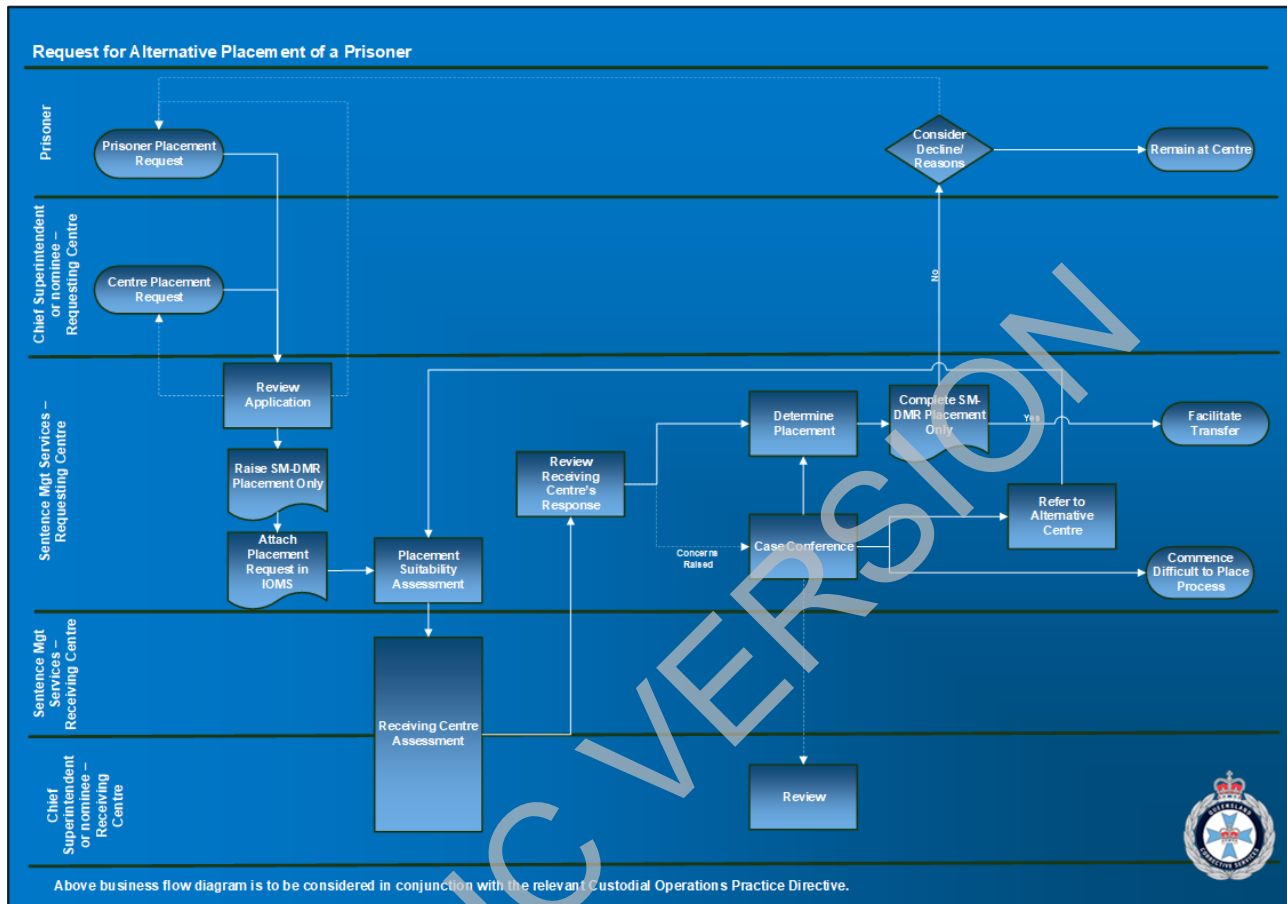


Sentence Management Classification and Placement

SM

Custodial Operations Practice Directive

5. Request for Alternative Placement of a Prisoner



All alternative placement requests either initiated by a corrective services facility or via prisoner request will be coordinated by Sentence Management Services for approval by the Chief Executive or delegate.

In all cases where an alternative placement for a prisoner is requested, either by a prisoner or a corrective services facility, a SM-DMR must be completed to record the decision. This is regardless of whether the decision is for the prisoner to remain at their current centre or to be placed at an alternative centre.

5.1 Prisoner placement request

A prisoner may submit an application for placement at an alternative corrective services facility using the Administrative Form 84 Prisoner Placement Request. Reasons may include:

- accessing programs, education and training opportunities to support release plans;
- access to mental health services;
- managing safety concerns as identified by the prisoner;
- supporting release/discharge plans and transition to the community; and
- closer to family/external support networks.

The Administrative Form 84 Prisoner Placement Request is to be submitted to Sentence Management Services.



Official/Public



Sentence Management

Classification and Placement

SM

Custodial Operations Practice Directive

In circumstances where a prisoner has previously applied for alternative placement at the same nominated corrective services facility and the reason for decline has not changed, the prisoner is to be advised via a SM-DMR that their placement is declined and the reasons for this decision.

An incomplete application is to be returned to the prisoner with a request for further information.

5.2 Centre placement request

The Chief Superintendent of a corrective services facility may submit an email request to Sentence Management for alternative placement of the prisoner.

The email request needs to outline:

- a) the reasons for the alternative placement;
- b) provide details of any recent management strategies employed to continue accommodating the prisoner; and
- c) the prisoner's medical or reintegration needs.

5.3 Raise Sentence Management – Decision Making Record (placement only)

A SM-DMR (Placement Only) is to be raised in IOMS within **four days** of receiving an alternative placement request from either a corrective services facility or a prisoner. The SM-DMR is to be used to record the decision making process.

Refer to the Appendix SM4 Sentence Management–Decision Making Record Instructions.

When raising the SM-DMR, the Administrative Form 84 Prisoner Placement Request or Centre Placement Request email is to be added as an attachment in the "Attachments" tab. The request form or request email will be used as a document considered in the final decision.

5.4 Placement suitability assessment

Once a prisoner or centre request has been received, Sentence Management Services must assess the suitability of alternative placement locations and identify the most appropriate alternative placement location for the prisoner. Within 10 days of receipt of the alternative placement request, an email should be sent to Sentence Management Services at the proposed receiving corrective services facility notifying of the preliminary decision to transfer the prisoner with a request for any further information not already available to the delegate (i.e. via IOMS) and any prisoner management concerns the delegate needs to consider prior to transferring the prisoner.

5.4.1 SOU prisoners

Placement decisions for a prisoner with an SOU warning flag where placement is endorsed as an area of interest are coordinated through the SOU except in circumstances where a prisoner is transferred to and from a Safety Unit, court, and/or a medical appointment.

Placement decisions for prisoners with an SOU warning flag where placement is **not** endorsed as an area of interest are coordinated by centre-based Sentence Management Services.





Sentence Management

Classification and Placement

SM

Custodial Operations Practice Directive

5.4.2 Receiving centre assessment

Sentence Management Services at the proposed receiving corrective services facility is to coordinate the response from relevant centre staff, including the Chief Superintendent of the facility, or their delegate. The response should clearly state a recommendation of support/do not support and detail the reasons for the recommendation along with all relevant information that was considered in making the recommendation.

Within seven days of receipt of the request for further assessment from the sending centre, Sentence Management Services are to forward the complied response to the sending centre via email and attach to the draft SM-DMR in IOMS so that it can be listed as a document considered.

5.4.3 Review receiving centre's response

If concerns are raised by the proposed receiving centre in relation to the alternative placement of the prisoner, Sentence Management Services may refer the matter for a case conference to assist in the decision making process. Refer to section 5.6, Case Conference, of this COPD.

5.4.4 Determine placement

Decisions regarding placement must be made having regard to the processes in section 3.2 Placement decision required and section 3.8 Review of placement in this COPD. If it is identified that the prisoner's request does not meet the application criteria for alternative placement, including those circumstances where the receiving corrective services facility does not support the request, the Chief Executive or delegate can decline the application. Refer to the Queensland Corrective Services Instrument of Delegation of Chief Executive Powers.

5.5 Complete SM-DMR (placement only)

After considering all available information, the decision about placement is to be documented in the SM-DMR (placement only) document in IOMS.

The SM-DMR (placement only) should be completed within 28 days of receipt of the request for alternative placement. Should the decision not be able to be finalised within 28 days, a letter is to be provided to the prisoner explaining the reason and giving an estimate of when it will be completed.

5.6 Case conference

If Sentence Management Services at the requesting centre considers the placement at the nominated centre the most appropriate location after reviewing all relevant information, the matter can be elevated to the respective Regional Managers, Sentence Management Services for consideration before progression to the Chief Superintendent, Sentence Management Services.

The approval of a centre placement request may result in the involuntary transfer of a prisoner. Refer to section 3.8 Review of placement, of this COPD.





Sentence Management

Classification and Placement

SM

Custodial Operations Practice Directive

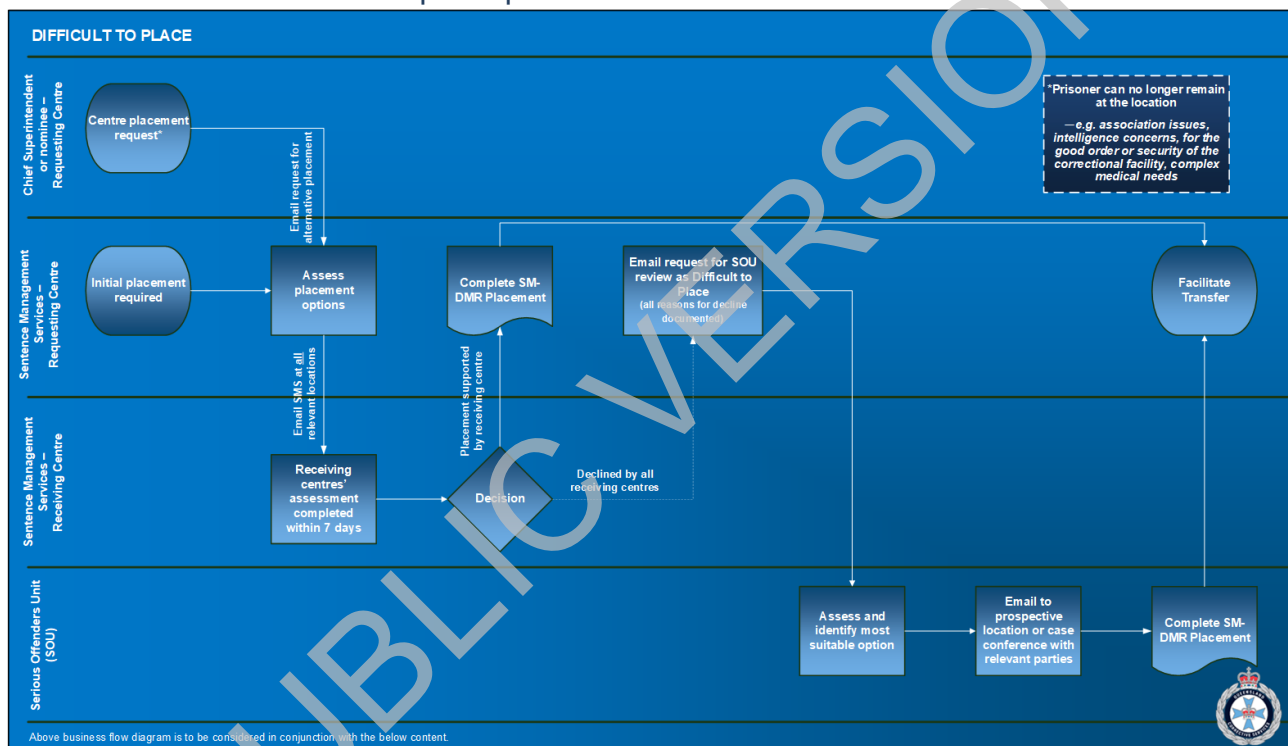
5.6.1 Review

In circumstances where concerns have been raised by the receiving corrective services facility and case conferencing has commenced, the Chief Superintendent of the receiving corrective services facility must be consulted and afforded the opportunity to review any further information/recommendation from the Regional Managers, Sentence Management Services.

5.6.2 Refer to alternative centre

Upon receipt of all relevant information from the receiving corrective services facility, if the placement is not considered suitable, the requesting centre can identify an alternative placement location and recommence the application process.

5.6.3 Commence difficult to place process



Should all proposed locations be exhausted, the Chief Superintendent, Sentence Management Services with an Assistant Commissioner within Custodial Operations is to find an appropriate placement for the prisoner. Refer to section 68 of the CSA, the Queensland Corrective Services Instrument of Delegation of Chief Executive Powers and the Instrument of Limitation of Corrective Services Officers Powers.

Prisoners are considered difficult to place when they are difficult to safely accommodate within any corrective services facility following review (through the standard placement consideration process) due to contemporary risk factors (e.g. extensive association issues, significant problematic behaviour at each, otherwise suitable corrective services facility, and issues arising from assessed intelligence information).

The corrective services facility seeking alternative placement is to forward a referral to [REDACTED]. The referral should include reasons for seeking placement and all decline emails from other corrective services facilities that have been approached (please note that the decline emails must be dated within the last month).





Sentence Management Classification and Placement

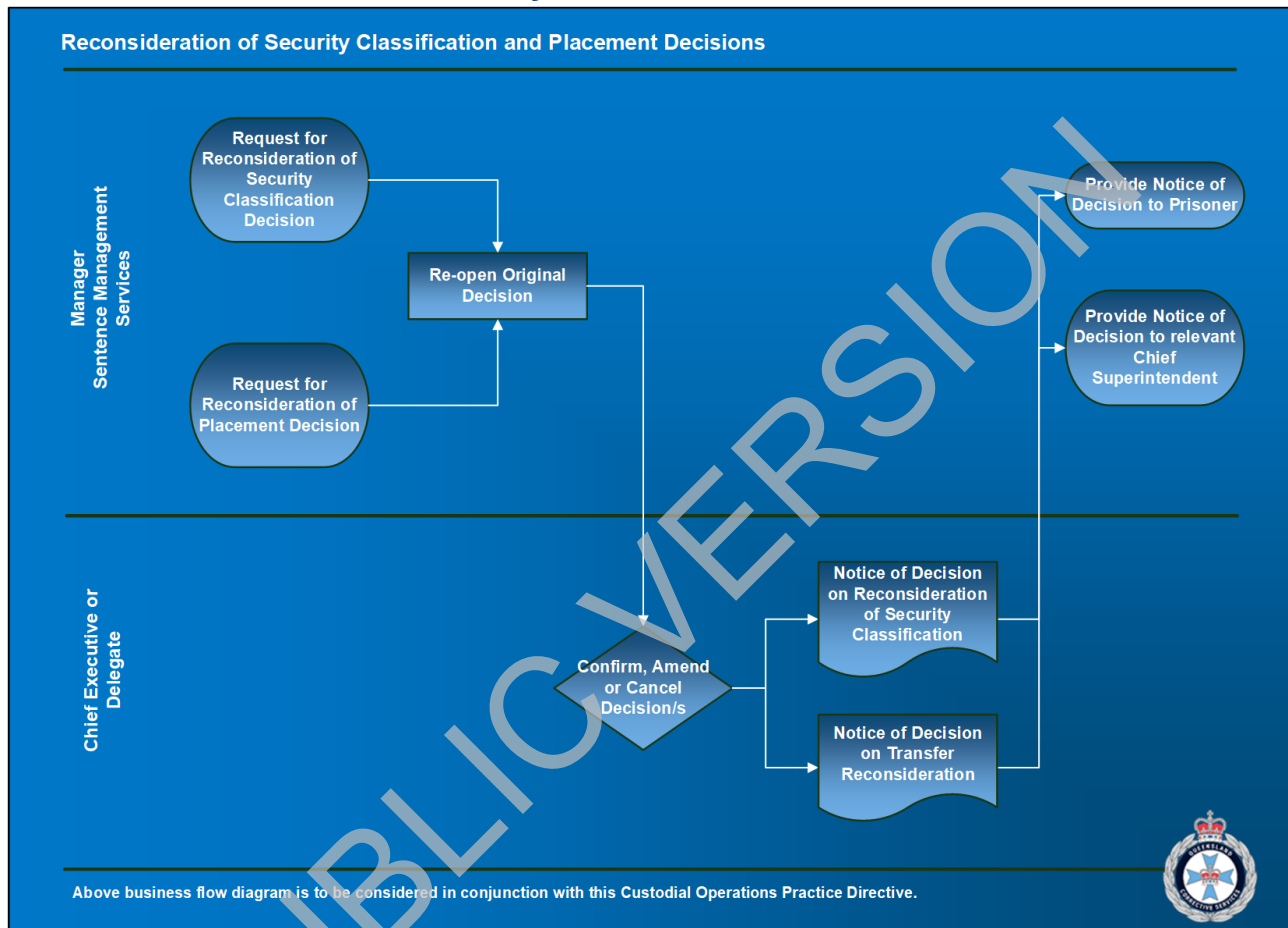
SM

Custodial Operations Practice Directive

5.7 Facilitate transfer

Refer to the COPD Sentence Management: Transfers for the process of moving prisoners to another corrective services facility following a placement decision.

6. Reconsideration of Security Classification and Placement Decisions



6.1 Request for reconsideration of security classification decision

Section 16 of the CSA contains provisions for prisoners to only request a reconsideration of a security classification decision if the Chief Executive increases the prisoner's security classification, and the prisoner is dissatisfied with this decision.

If there is a clear error contained within the Security Classification Decision, an example includes incorrect information being used to make a decision, Sentence Management Services should resolve any errors and provide the prisoner with a copy of the modified decision.

Requests must be made in writing using an Administrative Form 16 Security Classification Reconsideration Request and received by Sentence Management Services within seven days after the prisoner receives the Information Notice Security Classification Decision.





Custodial Operations Practice Directive

6.2 Request for reconsideration of placement decision

Section 71 of the CSA contains provisions for prisoners to request a reconsideration of a decision made to transfer the prisoner under section 66 or section 68 of the CSA, other than as the prisoner's initial placement after admission to a corrective services facility.

Requests must be made in writing using an Administrative Form 17 Transfer Reconsideration Request and received by Sentence Management Services within seven days after the prisoner receiving the Information Notice Placement Decision.

6.3 Reopen original decision

Reconsideration of security classification and/or placement is to be recorded in the SM-DMR containing the original decision by way of reopening this decision in IOMS. Refer to the Appendix SM4 Sentence Management–Decision Making Record Instructions.

6.3.1 Confirm, amend or cancel security classification and/or placement decision

Requests for reconsideration of decisions relating to security classification and/or placement provided for in legislation must be referred to a decision maker who holds an equivalent or more senior position than the original decision maker who increased the prisoner's security classification or approved the transfer or approved placement.

The decision maker should reconsider the decision within a period of 28 days of receipt of the request and should examine all materials taken into account in the original decision and any additional information provided by the prisoner. The decision maker may confirm, amend or cancel the original decision.

Refer to the Queensland Corrective Services Instrument of Delegation of Chief Executive Powers.

6.3.2 Notice of decision on reconsideration of security classification

The decision to confirm, amend or cancel a prisoner's security classification decision is to be recorded in the SM-DMR in IOMS and the Administrative Form 18 Notice of Decision on Reconsideration of Security Classification. A copy of the notice is to be attached in IOMS.

6.3.3 Notice of decision on transfer reconsideration

The decision to confirm, amend or cancel a prisoner's placement decision is to be recorded in the SM-DMR in IOMS and the Administrative Form 19 Notice of Decision on Transfer Reconsideration. A copy of the notice is to be attached in IOMS.

6.3.4 Involuntary transfers

All involuntary transfers should proceed irrespective of the status of a request for reconsideration of a placement decision. On finalisation of the reconsideration, if the transfer is cancelled and the placement decision repealed, the prisoner must, subject to vacancies and pending no ongoing identified risks to the security and good order of a centre, be returned to the original corrective services facility within four weeks.

Refer to the COPD Sentence Management: Transfers.





Sentence Management

Classification and Placement

SM

Custodial Operations Practice Directive

6.3.5 Serious Offenders Unit (SOU)

Requests for reconsiderations of security classification and placement decisions for prisoners with an SOU warning flag where security classification and/or placement are endorsed as areas of interest are coordinated by the SOU.

Requests for reconsiderations of security classification and placement decisions for prisoners with an SOU warning flag where security classification and/or placement is **not** endorsed as an area of interest are coordinated by centre-based Sentence Management staff.

7. Notice of Decision

The CSA and procedural fairness principles require prisoners to be provided with an information notice following a security classification decision, placement decision or reconsideration decision. Delivery is to occur within two business days after the decision date or before the prisoner is transferred to another corrective services facility, whichever is earliest.

Where the delivery of an information notice to the prisoner poses a risk to safety, or the security or good order of a corrective services facility, delivery of the information notice may be postponed so that appropriate arrangements can be made to mitigate the risk. In these circumstances, the information notice must be issued to the prisoner as soon as possible after the decision date. The decision to postpone delivery must also be case noted, including the reasons for the postponement.

Where delivery of an information notice to the prisoner is postponed and the prisoner is transferred to another corrective services facility before delivery is completed, the sending corrective services facility must notify the receiving corrective services facility of the postponement.

IOMS generates notices for the purpose of providing prisoners with information and notification of decisions. Prisoners are to be given a printed copy of the approved security classification decision and/or placement decision (i.e. Information Notice Security Classification and/or Information Notice Placement Decision).

For reconsideration decisions, prisoners are to be given a printed copy of the Administrative Form 18 Notice of Decision on Reconsideration of Security Classification or Administrative Form 19 Notice of Decision on Transfer Reconsideration.

The Information Notice to the prisoner must include:

- a) the name and position of the delegate;
- b) the legislation under which the decision was made (i.e. section 68 of the CSA);
- c) that the delegate has the authority to make the decision;
- d) the reasons for approval/decline; and
- e) any relevant additional information including a clear explanation of what would need to change in order to approve a reduction in security classification or alternative placement, if declined.





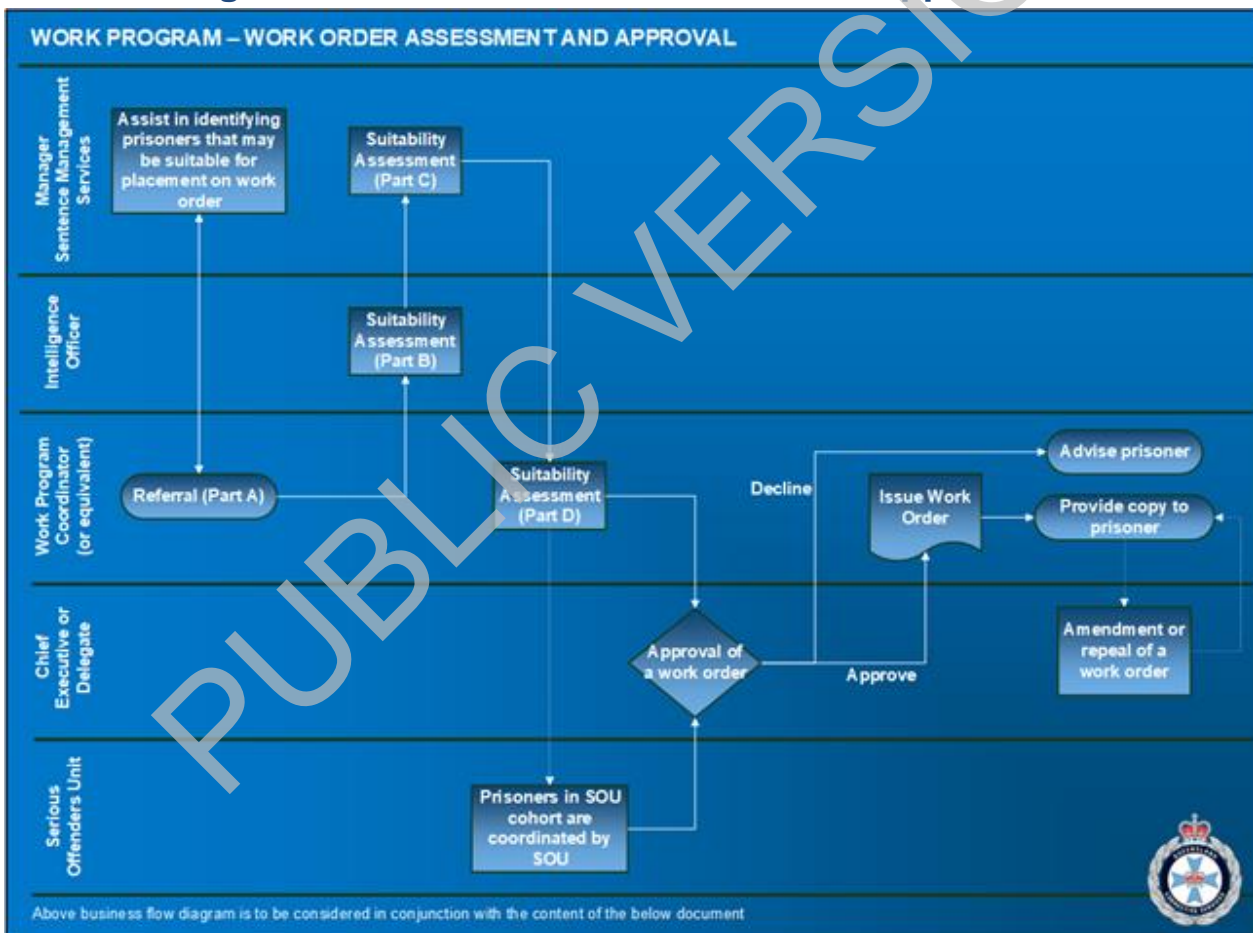
Custodial Operations Practice Directive

A case note is to be recorded advising that the Information Notice/s have been provided to the prisoner. Where practicable the prisoner should acknowledge receipt of the notice in writing. Refer to the Appendix DO3 Case Noting Categories. Case notes must include:

- the date that this occurred;
- whether delivery occurred in person or via internal mail;
- where applicable, that the prisoner has been informed of their rights regarding requesting reconsideration and the application process and timeframes; and
- where applicable, that the prisoner has been informed they may seek assistance from staff in reading and understanding the information notice/s.

Copies of any documents considered in the making of a security classification or placement decision are to be provided to the prisoner upon request.

8. Work Program – Work Order Assessment and Approval



Work camps provide prisoners opportunities to participate in the Work Program community projects which provide:

- reparation to the community;
- development of new work skills; and
- an opportunity to reintegrate into the community and demonstrate expected community behaviours.





Sentence Management

Classification and Placement

SM

Custodial Operations Practice Directive

The state's 13 work camps are aligned to local corrective services facilities:

- a) Numinbah Correctional Centre;
 - i. Warwick (women's).
- b) Capricornia Correctional Centre;
 - i. Springsure;
 - ii. Clermont; and
 - iii. Blackall.
- c) Palen Creek Correctional Centre;
 - i. Mitchell;
 - ii. Charleville
 - iii. Dirranbandi; and
 - iv. St George.
- d) Lotus Glen Correctional Centre;
 - i. Innisfail; and
- e) Townsville Correctional Complex;
 - i. Boulia;
 - ii. Julia Creek;
 - iii. Winton; and
 - iv. Bowen (women's).

In accordance with section 66 of the CSA, the Chief Executive may, by written order (a work order), transfer a prisoner from a corrective services facility to a work camp and the prisoner must perform community service as directed by the Chief Executive or delegate.

A work order may only be granted to a prisoner who is not restricted from transferring to a work camp.

Refer to Schedule 1 and section 67 of the CSA.

For information regarding management of prisoner on a Work Program, refer to the COPD Community Engagement: Management of Prisoners on a Work Program.

For information regarding community service leave of absence, refer to the COPD Prisoner Entitlements: Education and Community Service Leave.

8.1 Referral

Prisoners should be identified for assessment of suitability for the Work Program through each corrective services facility's progression process. Regular communication between the Work Program Coordinator (or equivalent) and Sentence Management Services should occur to identify prisoners that are not restricted from transferring to a work camp and may be suitable for placement on a work order. A prisoner's suitability should be identified as early as possible to allow for specific skill development that would benefit the community and the prisoner.





Custodial Operations Practice Directive

8.2 Suitability assessment

Assessment of eligible prisoners is to be conducted by the Work Program Coordinator (or equivalent) with input from the Intelligence Officer and Sentence Management Services using an Administrative Form 20 Work Program Suitability Assessment/Community Service and Education LOA Assessment.

Prisoners should transition to a work camp after first having been placed at a low custody facility (excluding Townsville Women's Correctional Centre). However, where this is not possible due to operational reasons, a prisoner may still be assessed for a work camp if appropriate.

8.2.1 Eligibility criteria

Pursuant to sections 67(1) and 68A of the CSA, a prisoner is not eligible to be transferred to a work camp if—

- a) the prisoner has been charged with an offence that has not been dealt with by a court; or
- b) the Chief Executive is aware of an unexecuted warrant relating to the prisoner; or
- c) a deportation or extradition order has been made against the prisoner; or
- d) an appeal has been made to a court against the prisoner's conviction or sentence and the appeal is not decided; or
- e) the prisoner has been convicted of a sexual offence, murder or is serving a life sentence.

8.2.2 Suitability considerations

The following must be considered when deciding whether to transfer a prisoner to a work camp:

- a) all recommendations of the sentencing court; and
- b) the risk the prisoner may pose to the community including for example, by considering:
 - i. the risk of the prisoner escaping or attempting to escape;
 - ii. the risk of physical or psychological harm to a member of the community and the degree of risk; and
 - iii. the prisoner's security classification; and
- c) anything else the Chief Executive considers relevant.

A prisoner should have completed all recommended interventions prior to placement on a work order. Where practical prisoners who otherwise meet eligibility and suitability criteria should be given priority placement for any outstanding intervention programs. Refer to the COPD Prisoner Development: Programs and Interventions.

If an eligible prisoner has a demonstrated pattern of violent offending or escalating severity, justification must be provided if approval for a work order is granted. This must include how the prisoner has mitigated the level of risk to the community to a sufficient level to be placed at a work camp under a reduced level of supervision. Prisoners identified in this category may need to demonstrate suitability through a period of placement at a low custody facility prior to progressing to a work order. Refer to section 67(2)(c) of the CSA.

8.2.3 Victims Register flag

For prisoners who have a VR flag, who are under consideration for participation in the Work Program, the Chief Superintendent, of the corrective services facility must contact Victims Register Victims.Register@corrections.qld.gov.au and request a proximity check in relation to the proposed participation site.

The email to Victims Register should contain the prisoner's IOMS number, full name, date of birth, and the name of the work camp under consideration.





Sentence Management

Classification and Placement

SM

Custodial Operations Practice Directive

The Victims Register will advise the Chief Superintendent of the corrective services facility if any relevant information is required to be provided as a factor for consideration as a part of their suitability assessment to participate in the Work Program.

If the prisoner is assessed as suitable to participate in the work program, the Chief Superintendent of the corrective services facility will ensure that the Victims Register is provided with further advice regarding the prisoner's participation.

8.2.4 Serious Offenders Unit (SOU)

Requests for prisoners, with an SOU warning flag where work order is endorsed as an area of interest, to undertake the Work Program are coordinated by SOU. The recommendation of the responsible officer, recorded on the Administrative Form 20 Work Program Suitability Assessment/Community Service and Education LOA Assessment, is to be forwarded to SOU via email to [REDACTED] for consideration by the State-wide Manager, Serious Offenders Unit, or the Chief Superintendent, Sentence Management Services.

8.3 Approval of a Work Order

In addition to the requirements of section 67 of the CSA when granting approval for a work order the Chief Executive or delegate must consider whether the prisoner has undertaken the security classification process and is classified low security classification.

The recommendation of the responsible officer and the Chief Executive or delegate's decision must be recorded on the Administrative Form 20 Work Program Suitability Assessment/Community Service and Education LOA Assessment.

Refer to the Queensland Corrective Services Instrument of Delegation of Chief Executive Powers.

8.4 Issue Work Order

Following a decision by the Chief Executive or delegate to approve a work order the Approved Form 13 Work Order must be issued with any additional conditions the Chief Executive or delegate considers necessary including participation in sporting events and community functions.

For further information about the Work Program - Work Order Assessment and Approval process refer to the COPD Community Engagement: Work Camps, Programs and Orders.

