



Prisoner Accommodation Management ACC

Cell Allocation

Custodial Operations Practice Directive

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Scope

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2. Limitation of Human Rights
3. Accommodation Allocation
4. Single Cell Accommodation Allocation
5. Shared Cell Accommodation Allocation
6. Residential Accommodation – Assessment and Approval
7. Personal Prisoner Hygiene
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1. Human Rights

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

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

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

Human rights which may be relevant include:

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

2. Limitation of Human Rights

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

- a) The nature of the human right – this involves looking at the purpose and underlying value of the human right. For example, the cultural rights of Aboriginal and Torres Strait Islander peoples provide that this cohort must not be denied the right to live as an Aboriginal or Torres Strait Islander person and be free to practice their culture.
- b) The nature and purpose of the limitation – this involves considering the actual purpose or legitimate aim/reason for limiting the human right. This document provides for the considerations and processes to be followed when allocating prisoner accommodation. Whilst cultural rights and specifically the rights of Aboriginal and Torres Strait Islander peoples are taken into account, these are considered with other safety and risk factors.
- c) The relationship between the limitation and its purpose – this involves considering the connection between the limitation of the right and whether this will assist with achieving the purpose or legitimate aim. For example, does an accommodation placement that in some way limits the cultural rights of a prisoner, achieve the enhanced safety of self and /or others and the safety and security of the correctional centre.
- d) Whether there are less restrictive and reasonable ways to achieve the purpose – this involves a 'necessity analysis' where it is necessary to consider the purpose of the limitation and whether it can be achieved in any other way, for example have other accommodation placements that are less restrictive with regard to limiting an individual's cultural rights been considered.





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- e) The importance between the purpose of the limitation and preserving the human right – this involves balancing the benefits obtained by the limitation with the harm caused to the human right. For example, does the safety to the individual and others provided by the accommodation decision outweigh the impact of the limitation to cultural rights.

3. Accommodation Allocation

Following admission, a prisoner must be placed in suitable accommodation by a reception store officer in consultation with the corrective services supervisor (Accommodation) or nominee, based on the prisoner's identified risks and needs. Refer to the COPD Reception Process: Admission and Assessments. Consideration must be given to:

- a) any immediate risk (to self or others) or needs identified;
- b) cultural rights and specifically cultural rights of Aboriginal and Torres Strait Islander peoples;
- c) individual special needs;
- d) any special planning considerations;
- e) the prisoner's age;
- f) supervision, monitoring and intervention requirements; and
- g) the COPD Sentence Management: Classification and Placement.

Whenever practicable, each prisoner in a corrective services facility must be provided with his or her own cell.

Whenever practicable, remand prisoners and sentenced prisoners should not be placed in shared accommodation together.

When a prisoner is allocated or reallocated to a cell/bed, the corresponding IOMS cell move update must be facilitated as soon as practicable after the completion of the move by a corrective services officer or corrective services supervisor. This must be confirmed by the relevant area corrective services supervisor.

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 Lesbian, Gay, Bisexual, Trans/transgender, Intersex, Queer/questioning and Asexual (LGBTIQA+) cohort of prisoners (where this is known) must be taken into account during any decision making. Decisions are to be made on a case by case basis following an individualised assessment of relevant factors, including the reasonableness of the actions being considered.

4. Single Cell Accommodation Allocation

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

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





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Prisoners allocated a high security classification who:

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

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

4.1 Non-powered cell

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

- a) no other appropriate accommodation is available;
- b) the accommodation is necessary to mitigate risk to the prisoner or others; or
- c) the accommodation is necessary given the nature of an order (or particular requirement of an order) that the prisoner may be subject to.

Should a prisoner be accommodated in a non-powered cell, the assessment and decision making of the placement 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.

4.2 Self-harm episode history (SHEH flag)

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

4.3 At-risk observations

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

4.4 Elevated base line risk

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

4.5 Allegations of sexual assault

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





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

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

4.6 Peer supports for prisoner at-risk of suicide or self-harm

The provision of peer support by prisoners can be an additional resource to supplement the QCS at-risk management process.

Peer support can be defined as:

- a) Accommodation arrangement – Placing a prisoner assessed as being at-risk of self-harm or suicide with another prisoner not currently considered to be at-risk to provide emotional and social support (Refer to the COPD At Risk Management: At Risk); or
- b) A formal Peer Support Program – A more structured program involving prisoners actively performing roles such as risk identification, provision of support and basic counselling.

The provision of peer support is intended to augment but not replace the formal At-Risk Management approach.

It is not mandatory that all at-risk prisoners are provided with peer support, but Risk Assessment Teams should consider the suitability of providing a prisoner with peer support when developing the At-Risk Management Plan, particularly for Aboriginal and/or Torres Strait Islander prisoners.

Chief Superintendents must implement appropriate controls to ensure peer support systems (both double-up accommodation and structured programs) are adequately oversighted.

Refer to the Risk of harm to self – ongoing management section of the COPD At Risk Management: At Risk for shared cell considerations for at-risk prisoners.

5. Shared Cell Accommodation Allocation

A number of factors must be considered when accommodating prisoners in shared cell accommodation where no single cell accommodation is available. The Chief Superintendent of a corrective services facility must ensure these factors are considered to mitigate risks associated with environmental tension, prisoner assaults and to guide and support staff decision making.

All reasonable efforts should be made to ensure that shared cell accommodation placements do not adversely impact on safety and security or reduce a prisoner's access to:

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

The Chief Superintendent of the corrective services facility may at their discretion increase access to amenities, services, recreation and employment as deemed appropriate. All reasonable steps should be taken to ensure the following processes are in place at each facility where prisoners are in shared cell accommodation:





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

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

5.1 Shared cell accommodation assessment considerations

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

The case note must detail:

- how human rights were properly considered and balanced, including but not limited to cultural rights, specifically cultural rights of Aboriginal peoples and Torres Strait Islander peoples;
- that prisoner's individual special needs have been considered;
- that the prisoner has no concerns at the time of the placement;
- where issues of risk have been identified, the Chief Superintendent shall ensure that appropriate notes and mitigation comments have been identified and recorded within the case note on each prisoner file and that they are sufficient to demonstrate consideration and mitigation of risk factors if the shared cell accommodation placement is to proceed; and
- that the prisoner was advised to liaise with unit staff if any concerns arise in the future.

The following are examples of appropriate case noting of the outcome of the assessment:

"I have considered the relevant factors including (insert specific factors), including human rights considerations in relation to prisoner X and at this time there are no known issues that would prevent shared cell accommodation with prisoner Y."

OR

"I have considered the relevant factors including (insert specific factors), including human rights considerations in relation to prisoner X sharing a cell with prisoner Y and the following additional management strategies shall be utilised: ..."

5.2 Shared cell accommodation placement considerations

Known considerations that may impact on whether prisoners are suitable to share a cell can include but are not limited to:

- if the prisoner has been previously victimised within a corrective services facility;
- if the prisoner has previously perpetrated violence against other prisoners;
- the prisoner's history of self-harm and/or suicide attempts;





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- d) the prisoner's offence and correctional history;
- e) the prisoner's relationships and known associations;
- f) the prisoner's religious and cultural background;
- g) intelligence information;
- h) the prisoner's known physical and/or mental health, medical issues, disability and/or any cognitive impairment (including liaison with PMHS and/or QHealth if the prisoner is a known open client of these services);
- i) current warnings including escape risk, self-harm episode, identified risk, maximum security offender and sex offender flags;
- j) individualised risk assessment for sexual offender placements;
- k) if the prisoner is identified as a prisoner of concern;
- l) if the prisoner is identified as Elevated Base Line Risk (EBLR);
- m) if the prisoner is transgender or identifies as LGBTIQ+;
- n) any other significant issues of concern; or
- o) if the prisoner is on remand.

When determining appropriate prisoners who could be selected to double-up with at-risk prisoners, Chief Superintendent should ensure that a suitability assessment is conducted and consent for the accommodation arrangement is provided by both prisoners.

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

5.4 Shared cell accommodation – sexual perpetrators

- a) Under no circumstances should a prisoner who is alleged to be a perpetrator in a sexual assault whilst in custody, be placed in shared cell accommodation.
- b) If the sexual assault allegation is substantiated by the Corrective Services Investigation Unit (CSIU), the perpetrator must remain in single cell accommodation.
- c) If the sexual assault allegation is unable to be substantiated by the CSIU, consideration should be given to returning the prisoner to shared cell accommodation following a new risk assessment as outlined above in this COPD (consideration for shared cell accommodation). The risk assessment must take into account any relevant factors relating to why the allegation was not able to be substantiated i.e. the victim withdraws the complaint or there was insufficient evidence to proceed with the complaint. Consideration of these factors may exclude a prisoner from being placed in shared cell accommodation.





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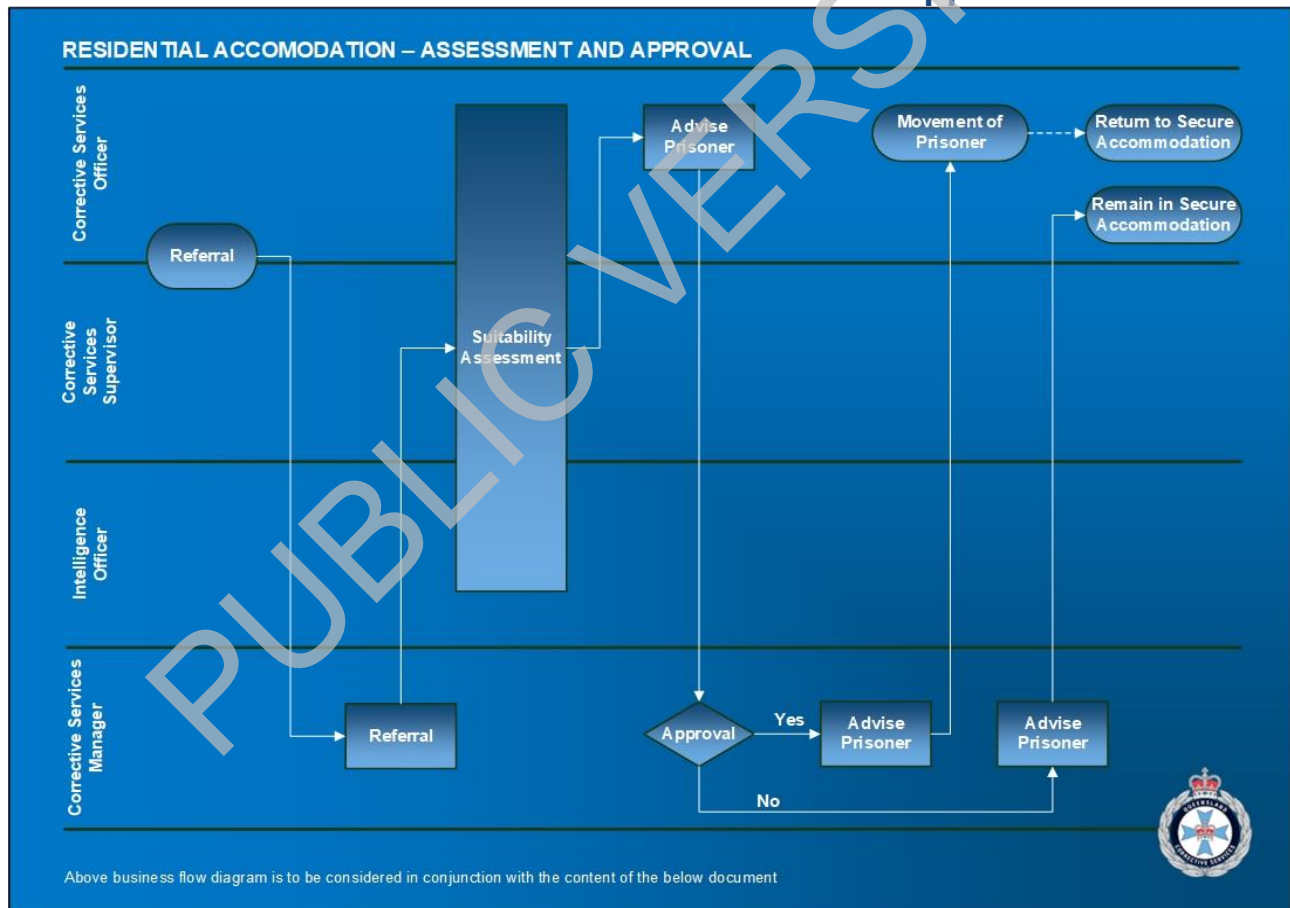
- d) A prisoner with a conviction for sexual assault committed whilst not in custody is not excluded from being considered for shared cell accommodation; however, this information should be considered in the risk assessment when deciding a prisoner's suitability for shared cell accommodation. If the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

5.5 Review of shared cell accommodation and consider for rotation

Shared cell accommodation must be continually monitored and reviewed. The review is to be reflected in required fortnightly case noting in IOMS which is to indicate whether there are any concerns in relation to the prisoner's placement. A regular rotation process shall be considered where appropriate.



6. Residential Accommodation – Assessment and Approval



6.1 Referral

Residential accommodation provides for prisoners who require lower levels of supervision. Prior to being placed in residential accommodation a prisoner should have demonstrated:

- a commitment to participate in Progression Plan (PP) goals, activities and strategies including recommended programs and employment; and
- the ability to manage their behaviour in a stable, consistent and appropriate manner.





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

- a) prisoner employment meetings;
- b) case plan meetings;
- c) reviews of the PP; and/or
- d) a corrective services officer or Sentence Management Services referring the prisoner to the relevant corrective services manager for consideration.

6.2 Suitability assessment

A suitability assessment must be conducted using the Administrative Form 23 Assessment of Prisoner Suitability for Residential. The assessment is to be conducted by the prisoner's case officer/unit officer with input from a corrective services supervisor and intelligence officer. This must include a review of information detailed in case notes on IOMS and a review of the prisoner's incident and breach history.

When considering the internal transferring of prisoners between secure and residential accommodation, all relevant factors must be considered including:

- a) the PP recommendations;
- b) the prisoner's behaviour;
- c) cultural rights and specifically cultural rights of Aboriginal and Torres Strait Islander peoples;
- d) the prisoner's individual special needs;
- e) history of drug use and/or drug related utensils in custody;
- f) the recommendation of a corrective services officer or Sentence Management Services;
- g) the prisoner's completion of an induction program;
- h) the prisoner's employment status;
- i) the prisoner's history of attempted suicide or self-harm;
- j) whether the prisoner is identified as being at an elevated baseline risk of self-harm and/or suicide (EBLR) or as a prisoner of concern (PoC);
- k) the prisoner's medical and/or psychological status;
- l) the prisoner's physical dependency (a high physical dependency will not exclude placement in residential accommodation if assessed as suitable);
- m) the prisoner's intelligence profile;
- n) the prisoner's suitability to access education/programs block with limited supervision; and
- o) the prisoner's escape history

6.2.1 Current escape risk

A prisoner assessed as presenting a current risk of escape from a corrective services facility must not be placed in residential accommodation.

6.2.2 Escape history, pending deportation or remand status

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

6.3 Advise prisoner – assessment commenced

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





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6.4 Approval

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

This may be undertaken in consultation with a multidisciplinary team with composition to be determined by the Chief Superintendent of the corrective services facility.

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

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

6.5 Advise prisoner of decision

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

6.6 Movement of prisoner

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

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

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

6.7 Remain in secure accommodation

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

6.8 Return to secure accommodation

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

- a) unacceptable behaviour;
- b) breach of discipline; and/or
- c) failure to adhere to their Progression Plan.





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

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

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

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

If a prisoner is moved out of residential accommodation due to an alleged breach, they should not lose their position in residential until the breach has been proven.

If a breach of discipline is proven and considered to be of a minor nature the prisoner may continue to reside in the residential accommodation area.

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

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

7. Personal Prisoner Hygiene

7.1 Hygiene

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

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

7.2 Pillows and mattresses

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





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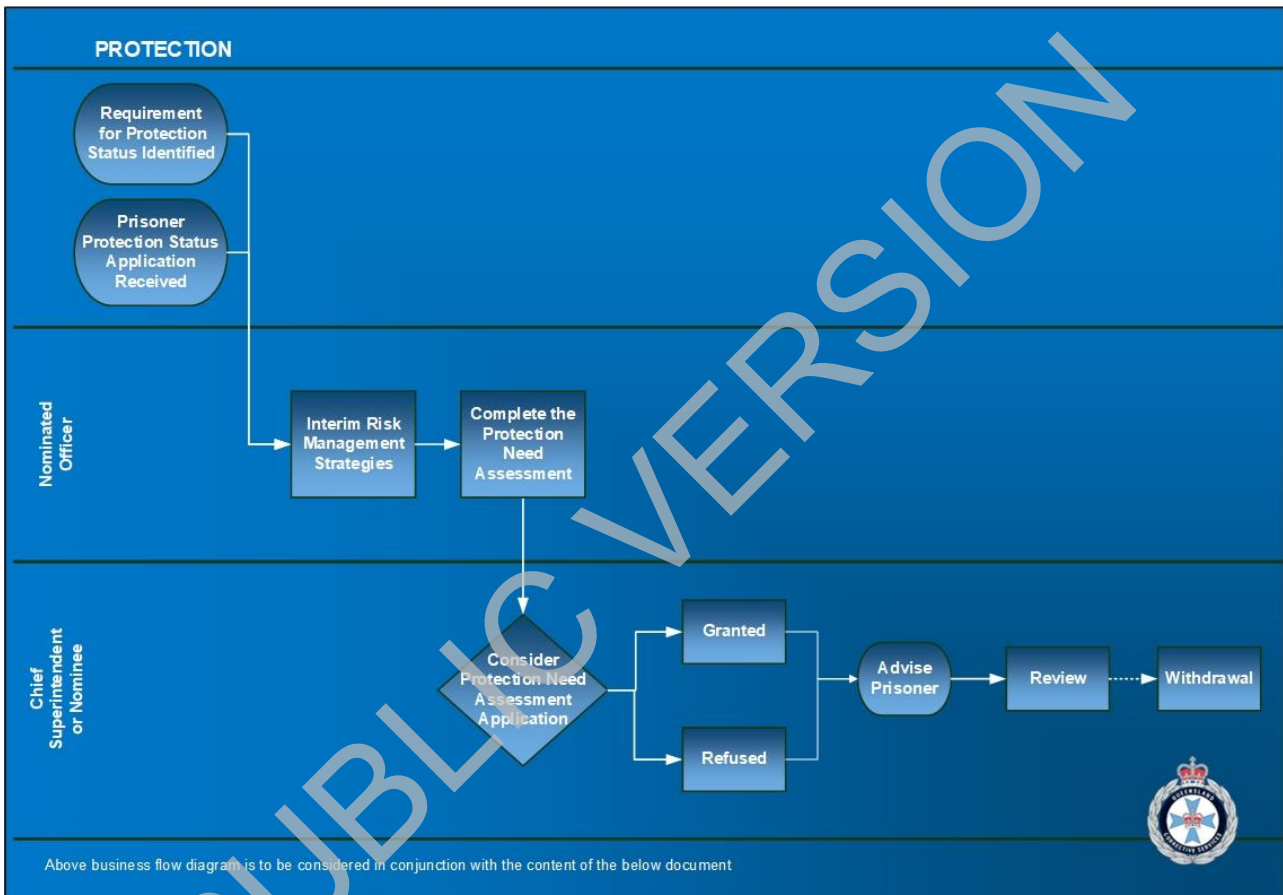
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Pillows and mattresses must be replaced when cracks or rips begin to occur to prevent the spread of micro-organisms.

7.3 Management of contaminated waste material

Refer to the Appendix ACC5 Management of Contaminated Material.

8. Protection Status



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

8.1 Requirement for protection assessment identified

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

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

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

- appearing as a court witness offering assistance to the Crown;





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- b) being a human source by giving, or offering to give, information to law enforcement or correctional authorities;
- c) the nature of the offence (i.e. a prisoner who has committed an offence which is likely to make him or her the target of aggression from others);
- d) personal or psychological characteristics (i.e. a prisoner who exhibits physical, emotional, psychological or intellectual characteristics, which are likely to make him or her the target of aggression or intimidation from others);
- e) cultural issues (i.e. a prisoner who is assessed as being at risk of harm due to cross-cultural, religious or particular tribal issues);
- f) prior protection status; or
- g) public profile of prisoner (i.e. media interest).

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

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

8.2 Prisoner application received

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

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

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

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

8.3 Third party request

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

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





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Refer to the COPD Intelligence.

8.4 Interim risk management

The Chief Superintendent of a corrective services facility is responsible for the safety of a prisoner who makes a verbal request or written application for protection from the time the request or application is made until the matter is determined. This may require the prisoner being placed on a safety order pending determination of protection status. Refer to section 53 of the *Corrective Services Act 2006* and the COPD Safety Orders and Intensive Management Plans: Safety Orders.

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

8.5 Placement/management options

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

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

8.6 Complete protection need assessment

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

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

8.7 Static and dynamic factors

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

Static factors include:

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

Dynamic factors include:

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





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8.8 Consider protection need assessment

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

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

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

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

8.9 Protection status granted

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

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

8.10 Protection status refused

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

8.11 Review

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

The following must be established during the review process:

- a) the current validity and seriousness of initial threat;
- b) the prisoner's reasons to remain on protection;
- c) assessment of actual protection need; and





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- d) alternative placement options and management strategies.

The review assessment must be completed and recorded in IOMS.

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

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

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

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

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

8.12 Event Based Review - Protection Needs Assessment

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

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

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

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

The panel at minimum must include the following members:

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





Prisoner Accommodation Management ACC

Cell Allocation

Custodial Operations Practice Directive

After consideration of all the relevant information a recommendation is to be made to the Chief Superintendent as to whether the prisoner should remain on protection. If the Chief Superintendent of a corrective services facility is satisfied that the prisoner can be appropriately managed within the mainstream prison population, the prisoner's protection status may be removed, even if the prisoner declines to sign off protection. This information must be recorded in IOMS.

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

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

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

8.13 Withdrawal of protection status

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

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

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

