



Facility Security

Barrier Control and Access

FS

Custodial Operations Practice Directive

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Scope

1. Human Rights
2. Limitation of Human Rights
3. Barrier Control



9. Access for Emergency Services and Support Agencies



12. Item Access and Restrictions



15. Prisoner Access to Prohibited Thing in a Corrective Services Facility

16. Biometrics

17. Urgent Access Approval for Commercial Visitors



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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 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) the right to freedom of movement;
- b) the right to humane treatment when deprived of liberty;
- c) property rights;
- d) the right to privacy and reputation; and
- e) the right to liberty and security of person.

2. Limitations 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 right to privacy and reputation provides that a person has the right not to have the person's privacy, family, home or correspondence unlawfully or arbitrarily interfered with.
- 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 that must be followed before a person is allowed to enter/exit a facility through the verification of their personal identification and their destination within the centre.
- 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, would the request to view personal identification documents of a person and determining their purpose for entering a facility, achieve the enhanced safety and security of the corrective services facility?
- 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, is there less restrictive ways to determine a person's identity other than a physical check of their identification documents?
- 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 and security of the corrective services facility, its staff and prisoners provided by the secure control of access to the centre outweigh the impact of the limitations to privacy?

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





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3. Barrier Control

The Chief Superintendent of a corrective services facility must establish an effective barrier control system that ensures no person is permitted to possess a prohibited thing beyond the barrier of detection of the facility unless approval has been provided by an authorised delegate (refer to section 128(2)(a) of the *Corrective Services Act* (CSA), section 19 of the *Corrective Services Regulation 2017* (CSR) and the *Queensland Corrective Services Instrument of Delegation of Chief Executive Powers*).

A warning sign must be displayed at the point of entry to a corrective services facility, pursuant to section 152(2) of the CSA, that notifies visitors to the facility of the prohibited things under section 19 of the CSR and the consequences for a visitor if they bring, or attempt to bring, a prohibited thing, into the facility.

Where a prohibited thing is identified at or beyond the barrier of detection of a corrective services facility without the approval of the Chief Executive or authorised delegate it must be reported as an incident, refer to the COPD Incident Management: Incident Management Process.

For the relevant authority to approve a prohibited thing to enter a corrective services facility, refer to the Item Access and Restrictions section of this COPD and the *Queensland Corrective Services Instrument of Delegation of Chief Executive Powers*.

3.2 Security offences

In accordance with section 136(5) of the CSA a security offence poses a risk to:

- a) the security or good order of a corrective services facility; or
- b) the security of a prisoner or a prisoner of the court.

Where a corrective services officer finds a person committing a security offence or has information that leads to a reasonable suspicion that a security offence has just been committed, the officer may, using reasonably necessary force to:

- a) conduct a general or scanning search of the person (there is no legislative authority for a corrective services officer to conduct a search requiring the removal of clothing or a personal search of a staff member);
- b) search anything in the person's possession, including a motor vehicle; and
- c) detain the person until the person can be handed over to a police officer.

A person must not be detained for any longer than four hours (in such an instance, there must be sufficient evidence to justify detaining a staff member – under no circumstances should a staff member be detained with a prisoner). The detained person must be treated in a way that is appropriate for a person who has not been convicted.

This power should only be used in circumstances where it has been assessed that the safety and security risk of letting the person leave (and reporting to police) is too high.





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If a search, other than a general or scanning search, appears to be justified, only the QPS may make this determination whether to do so under the *Police Powers and Responsibilities Act 2000* (PPRA).

For this section, a person does not include a prisoner, other than a prisoner who is released on parole or a *Dangerous Prisoner (Sexual Offenders) Act 2003* order, refer to section 125 of the CSA.

Refer to the Instrument of Limitation of Corrective Services Officers' Powers.

The Chief Superintendent or delegate of a corrective services facility must be notified immediately if an officer conducting a scanning or general search finds that a person:

- a) is committing a security offence; or
- b) is reasonably suspected of having committed a security offence.

Refer to section 136 of the CSA.

Refer to the COPD Search: Visitors Search and COPD Search: Staff Search.

The Corrective Services Investigation Unit (CSIU) must be notified when a decision has been made to temporarily detain a staff member in response to that staff member committing a security offence or being reasonably suspected of committing a security offence to determine what further action is warranted.

In the case of a staff member of Queensland Health, the Chief Superintendent or Superintendent of a corrective services facility must advise the Senior Queensland Health Officer of any actions taken.

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9. Access for Emergency Services and Support Agencies

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

- a) ambulance and paramedic teams (including student paramedics);
- b) visiting doctor;
- c) the coroner;
- d) a religious visitor or other culturally significant person;
- e) an Aboriginal or Torres Strait Islander legal service representative, or other legal representative;
- f) an elder, respected person or Indigenous spiritual healer who is relevant to the prisoner;
- g) Corrective Services Investigation Unit (CSIU) officers;
- h) QPS officers;
- i) morgue, funeral home/undertaker representatives;
- j) corrective services dogs and their handlers; and
- k) counselling service providers.

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

- a) an ambulance transport vehicle; and
- b) a paramedic medivac vehicle.

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12. Item Access and Restrictions

12.1 Approval of a prohibited thing to enter a corrective services facility

Section 128 of the CSA outlines that a person commits an offence if they:

- a) take or attempt to take or cause or attempt to cause a prohibited thing being taken into a corrective services facility; or
- b) give or attempt to give or cause or attempt to cause a prohibited thing being given to a prisoner in a corrective services facility or to a prisoner of a court.





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A person does not commit an offence if the person has the approval of the Chief Executive or authorised delegate in accordance with section 128(2)(a) of the CSA. Refer to the Queensland Corrective Services Instrument of Delegation of Chief Executive Powers.

[REDACTED]

[REDACTED]

[REDACTED]. The onus is on the person making the request to bring the prohibited thing into the corrective services facility to demonstrate to the satisfaction of the authorised delegate that the thing is necessary for the purposes of the person visiting the facility.

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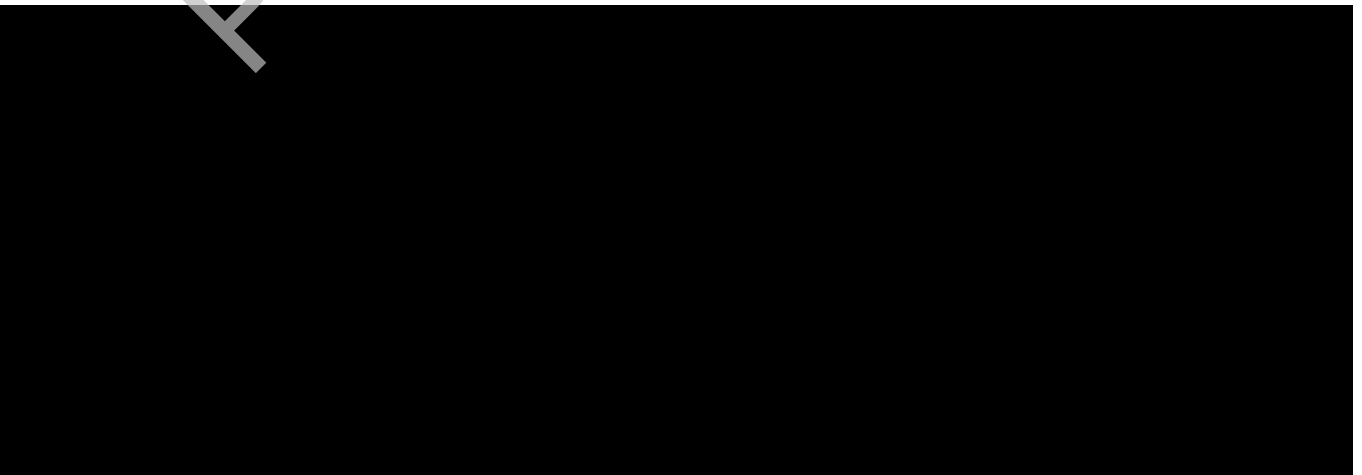


12.4 Smoking related products and smokeless tobacco products

The Chief Superintendent of a corrective services facility must ensure that all staff and visitors to facility are aware that smoking related products and smokeless tobacco products are prohibited in a corrective services facility. Refer to the Appendix FS5 Smoking Product and Smokeless Tobacco Products.

Smoking related products and smokeless tobacco products are prohibited things and are therefore not allowed on the grounds of any corrective services facility that is gazetted as a prison reserve (including, car parks, walkways, visits processing etc.). Refer to section 19 and Schedule 1 of the CSR.

The management of smoking related products and smokeless tobacco products must be strictly in accordance with the Appendix FS5 Smoking Product and Smokeless Tobacco Products.





12.7 Epipen/Anapen – staff and professional visitors

Staff and professional visitors may to be given approval to enter a corrective services facility with an Epipen/Anapen if approved by the authorised delegate. Refer to the Queensland Corrective Services Instrument of Delegation of Chief Executive Powers.





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15. Prisoner Access to Prohibited Thing in a Corrective Services Facility

The Chief Executive or authorised delegate may give written approval for a prisoner to make or attempt to make or to possess a prohibited thing in a corrective services facility in accordance with sections 123(3)(a) and (b) of the CSA. Refer to the Queensland Corrective Services Instrument of Delegation of Chief Executive Powers.

16. Biometrics

Persons 18 years of age or older are required to submit to the biometric identification process where this system is available, refer to section 160 (2) of the CSA.

If an electronic scanning or biometric identification system is available at a corrective services facility:

- a) [REDACTED]
- b) all other visitors 18 years of age or older must be registered on the system and processed on the system when accessing the facility.

If a visitor is unable to provide a suitable biometric template, the Chief Superintendent of the corrective services facility is to ensure visitors are correctly identified by a driver licence, or any three of the following:

- a) other current photographic ID displaying signature;
- b) birth certificate;
- c) statutory declaration;
- d) current debit/credit card/bank book with signature;
- e) current Medicare card or current pensioner; or
- f) social security card.

The statutory declaration must verify the visitor's identity and signature and be signed by a Justice of the Peace or a Commissioner of Declarations.

If an adult registered on the identification system attends the facility with children under the age of 18 years, these children may enter the mantrap with the adult to gain access to the facility. Refer to section 160(5) of the CSA and the Appendix V4 Biometric Scanning Notice.

Refer to sections 160(2) and 162 of the CSA and the Appendix V4 Biometric Scanning Notice.





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17. Urgent Access Approval for Commercial Visitors

If a situation occurs whereby:

- a) work by a tradesperson or technician (a relevant commercial visitor) is required to be carried out urgently at a corrective services facility;
- b) a relevant commercial visitor who has already been granted an access approval for the corrective services facility is not available to carry out the work; and
- c) the tradesperson or technician applies for access approval under section 155 of the CSA.

A tradesperson or technician may be granted access approval if the authorised delegate is satisfied that the visitor does not pose an immediate risk to the security or good order of the facility. Refer to section 156B of the CSA.

In this situation the authorised delegate can approve access to the facility for the carrying out of the work (urgent access approval) on an Approved Form 27a Application To Visit Professional, Official or Other Business Purposes without considering the factors in section 156(2) of the CSA. Conditions may be imposed on the urgent access approval for example, the visitor may be required to be escorted by a corrective services officer. The access approval only has effect for a single visit to the corrective services facility.

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Corrective services officers are responsible for undertaking external patrol activities.

19. Princess Alexandra Hospital Secure Unit

This COPD does not apply to the Princess Alexandra Hospital Secure Unit (PAHSU). Refer to the COPD Escorts: Princess Alexandra Hospital Secure Unit.



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