



Community Engagement

Management of Prisoners on a Work Program

Custodial Operations Practice Directive

CE

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Scope
<ol style="list-style-type: none">1. Human Rights2. Limitation of Human Rights<ul style="list-style-type: none">■ [REDACTED]■ [REDACTED]5. Management of Work Camps and Prisoners6. Work Camp Inspections and Logbooks7. Use of Equipment by Prisoners (Work Camps)8. Request to Drive a Vehicle9. Work Camp Food Provisions10. Case Management (Work Camps)11. Prisoner Property, Sales and Purchasing (Work Camps)12. Education/Programs and Recreational Activities (Work Camps)13. Breaches Involving Prisoners Assigned to Work Camps14. Application by Prisoner for Parole Order15. Transfer or Discharge from a Work Camp



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Community Engagement

Management of Prisoners on a Work Program

CE

Custodial Operations Practice Directive

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) the right to privacy;
- b) the right to humane treatment when deprived of liberty;
- c) the right to freedom of expression;
- d) property rights;
- e) the right to education;
- f) the protection of families and children; and
- g) cultural rights - Aboriginal peoples and Torres Strait Islander peoples.

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 right education provides the right to have access, based on a person's abilities, to further education and training that is equally accessible to all.
- b) The nature and purpose of the limitation – this involves considering the actual purpose or legitimate aim/reason for limiting the human right. In this policy document, the limitation provided by the supervision and surveillance of prisoners is to ensure the security of the prisoners and the security of person to officers and other members of the community.
- 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 supervision and surveillance of prisoners achieves the purpose of ensuring the security of the prisoner and the safety of officers and others in the community.
- 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, the purpose of limiting a prisoner's property while at a work camp is to facilitate the security of persons for other prisoners, officers and others in the community in an environment where there is a lower level of custodial oversight.
- e) The importance between the purpose of the limitation and preserving the human right - this involves a balancing exercise of the benefits obtained by the limitation vs the harm caused to the human right.



Official/Public



Community Engagement

Management of Prisoners on a Work Program

CE

Custodial Operations Practice Directive

The greater the limitation of the right, the more important the purpose will need to be to justify the limitation. For example, does the safety of the individual community member/s provided by the supervision and surveillance of a prisoner outweigh the impact of the limitation to the prisoner's privacy?

Freedom from forced or compulsory labour does not include work or service normally required of a person under detention because of a lawful court order (section 18(3)(a) of the *Human Rights Act 2019* (HRA)).

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5. Management of Work Camps and Prisoners

5.1 Work camp induction

Work camps must have a prisoner induction booklet. A copy of the booklet must be provided to each prisoner on induction.

The following information must be provided during induction and signed by the prisoner as being understood:

- a) work camp daily routine;
- b) behaviour standards expected of prisoners;
- c) hours of work;
- d) muster/head count requirements;
- e) allocated shopping times and locations;
- f) medication issued;
- g) telephone use;
- h) camp curfew;
- i) issue of monies for buy-ups;
- j) tool control;
- k) personal property allowable and its security/storage/disposal;
- l) fire instructions;
- m) smoking policy;
- n) visitors;
- o) meals;
- p) emergency management; and
- q) Workplace Health and Safety.





Community Engagement

Management of Prisoners on a Work Program

CE

Custodial Operations Practice Directive

On arrival at a work camp, work camp supervisors are to allocate each prisoner a bed.

Prisoners deemed as suitable for work camp accommodation are not required to be managed in accordance with the Elevated Base Line Risk (EBLR) procedure while residing at a work camp.

5.4 Queensland Police Service (QPS) contact

The field supervisor must provide relevant details for each prisoner located at a work camp following request from the Officer in Charge of the nearest Queensland Police station.

6. Work Camp Inspections and Logbooks

6.1 Work camp inspections

The Chief Superintendent is to ensure that each work camp is inspected by the Work Camp Coordinator or equivalent at least once every quarter. On each of these occasions an audit of the work camp logbooks, accommodation, food services and general camp hygiene is to be carried out.

An inspection of each work camp by the Chief Superintendent and/or Superintendent is to be conducted biannually. These inspections are to include attendance at the local CAC meetings.

6.2 Work camp log books

Each field supervisor is to maintain a daily log book which is to be secured in the work camp office. At a minimum the daily information to be recorded is as follows:

- day and date;
- staff on duty;
- daily movements;
- medication issues;
- head counts and/or musters;
- project sites;
- unscheduled movements;
- incoming and outgoing mail;
- prisoner shopping times and locations;
- significant issues, poor performance, IOMS records; and
- any injury to staff and/or prisoners.





Custodial Operations Practice Directive

7. Use of Equipment by Prisoners (Work Camps)

The field supervisor is to ensure a prisoner is competent in the use and maintenance of any item of electrical or mechanical equipment used on a project. For equipment that requires a ticket or licence, prior to a prisoner using this equipment the field supervisor must sight a current ticket or licence in the prisoner's name. The field supervisor is to test the prisoner's ability to safely use the equipment.

Prisoners must be given induction training by a field supervisor on the operation of any equipment they are using. The training must be recorded in a register.

8. Request to Drive a Vehicle

A prisoner must be approved by the Chief Superintendent of a corrective services facility to drive a motor vehicle.

A prisoner may only be approved to drive a motor vehicle on a road where one of the following applies:

- a) a prisoner at a low security corrective services facility is required to cross a road to access different parts of the prison reserve (this must be minimised to the specific work routine of the prisoner); and
- b) during disaster recovery operations (e.g. a prisoner may be required to operate a vehicle when clearing debris from a suburban street).

Refer to the Appendix CE8 Use of Vehicles by Prisoners.

9. Work Camp Food Provisions

QCS is responsible for providing all meals to work camp prisoners. Take away type food is not to be provided nor are prisoners permitted to purchase food that would constitute a meal using their own funds without the prior approval of the Chief Superintendent or Superintendent of the relevant corrective services facility. Approval may be provided in emergency situations or to recognise a particular occasion.

Prisoners may purchase food at rest and refuelling stops when travelling between work camps or the managing corrective services facility. These stops will be at the discretion of the field supervisor. Any purchases made by prisoners are not in replacement of QCS' obligation to provide meals to the prisoners when under transit.



Community Engagement

Management of Prisoners on a Work Program

CE

Custodial Operations Practice Directive

10. Case Management (Work Camps)

Case management for prisoners at a work camp will be the responsibility of the Work Program Coordinator or equivalent at the adjoining custodial facility in conjunction with supervisors.

A minimum of one community work report for each prisoner is to be recorded in IOMS for each fortnight that the prisoner is at a work camp. Case notes are to be added as deemed appropriate to record significant issues, both positive and negative.

11. Prisoner Property, Sales and Purchasing (Work Camps)

11.1 Prisoner property transfer

The corrective services officer may itemise and collect items of personal property in company with a QPS officer or CAC member as a witness.

11.2 Sales and purchasing (work camps)

Prisoners are not to purchase items or to receive by mail any item that is classified as property while at a work camp. All property is to be purchased through the managing corrective services property process or mailed to the corrective services facility for processing through the store.

Items for purchase and purchase limits are to be comparable to that which are authorised for corrective services facility buy-ups. A Chief Superintendent of a corrective services facility may approve additional monetary limits for prisoner phone calls but all additional monies issued must be reconciled through phone card receipts.

In support of the principle that work camps inject money into remote communities, prisoners may purchase items from approved shopping outlets in the local community.

Field supervisors are to issue prisoners with approved monies for the first week buy-up at a time and place to be endorsed by the Chief Superintendent of the managing corrective services facility.

The following applies:

- following a shopping event, prisoners are to provide the supervisor with receipts for their purchases and any remaining monies;
- prior to issuing any subsequent weekly monies the supervisor is to reconcile each prisoner's account balance against the receipts received; and
- supervisors are to ensure that any further issue of funds does not allow the prisoner to be in possession of funds that exceed the approved weekly purchase limit amount, refer to the COPD Prisoner Entitlements: Prisoner Purchasing.

Prior to return from a work camp to a corrective services facility, the supervisor is to collect any remaining monies and provide each prisoner with a receipt for the money returned (excluding Helana Jones Centre where prisoners are permitted to have money). The supervisor is to acquit this money on arrival at the corrective services facility.





Community Engagement

Management of Prisoners on a Work Program

CE

Custodial Operations Practice Directive

Prior to departure from a corrective services facility, prisoners may submit either an Administrative Form 39 Application to Expend from Trust Account (Store) or an Administrative Form 40 Application to Expend from Trust Account (General) for the purchase of their first week's buy-up. At the commencement of a second or extended week/s of deployment, prisoners may submit a follow-up request to expend from their trust account. Field supervisors are to forward these request forms to the managing corrective services facility no later than 48 hours prior to a designated shopping day.

The Corrective Services Manager, Business Services is to ensure either:

- a) a postal money order or cheque for the required amount is raised and sent to the respective work camp field supervisor; or
- b) transit of monies for the required amount is raised and sent with the field supervisor.

11.3 Purchase of publications (work camp prisoners)

Any publication which is classified under the National Classification Code (May 2005) as Refused Classification (RC), Category 2 Restricted or Category 1 Restricted, is prohibited from being purchased or accessed by a prisoner. This also includes a publication that has yet to be classified.

As a minimum standard, a publication purchased by a prisoner must be generally available from authorised newsagents, bookshops, or other legitimate traders and classified as 'Unrestricted' material under the National Classification Code (May 2005), refer to the *Classification (Publications, Films and Computer Games) Act 1995 (Cth)*. Some publications that have been classified under the National Classification Code as 'Unrestricted' are not to be purchased or accessed by a prisoner - refer to the additional considerations - factors to consider in determining a publication's prohibition (below).

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12. Education/Programs and Recreational Activities (Work Camps)

12.1 Work camp education and programs

Prisoners on a work order may also be permitted to undertake approved vocational or educational courses that are available in the local community. Any programs undertaken must be consistent with the prisoner's assessed needs. Refer to section 72(1)(c) of the *Corrective Services Act 2006* (CSA).

Prisoner access to in-cell computers at a work camp must be considered on a case by case basis taking into account the prisoner's individual circumstances and if appropriate, approved by the Chief Superintendent or Superintendent of the corrective services facility.

12.2 Work camp external recreation activity

The Chief Superintendent of the managing corrective services facility will maintain a register of approved recreational activities that are external to the work camp.

An Administrative Form 42 Work Camp External Recreation Activity must be completed and submitted to the Chief Superintendent of the managing corrective services facility for assessment and forwarding to the relevant Assistant Commissioner, Custodial Operations for approval.

When assessing an activity all relevant factors must be considered, including:

- whether it is purposeful and provides a positive experience to prisoners;
- whether it exceeds local community norms;
- whether it is specialised and prisoners can participate;
- if there are any costs and if these are affordable for all prisoners;
- if it is a cultural event or culturally appropriate;
- any risks arising from prisoners participating;
- mitigation strategies to manage risk/s; and
- level of supervision required measured against risk.

The approval for a recreational activity external to a work camp is valid for a maximum period of 12 months. Where required, upon or prior to the expiry of the approval period, a new Administrative Form 42 Work Camp External Recreation Activity is to be submitted for assessment and approval.

The approval of the recreational activity external to the work camp is conditional on all workcamp prisoners attending under the supervision of the work camp supervisor. If a prisoner elects not to participate, the activity cannot proceed.

13. Breaches Involving Prisoners Assigned to Work Camps

All incidents regarded as minor which do not constitute an offence or breach of discipline, should be addressed by the relevant field supervisor, usually through individual counselling and the completion of a Behaviour/Performance Report.





Community Engagement

Management of Prisoners on a Work Program

CE

Custodial Operations Practice Directive

When an incident involves a prisoner allegedly committing an offence or breach of discipline the field supervisor must advise the responsible manager, in person or by telephone, as soon as practicable and provide a risk assessment to the manager, by end of duty on that day, or sooner, as required by the manager.

The manager must contact the Chief Superintendent of the corrective services facility to which the respective work camp is aligned as soon as possible if the responsible manager has any concerns regarding the management and supervision of the prisoner and whether the prisoner's placement needs to be reviewed.

14. Application by Prisoner for Parole Order

An application for parole must be made using the Approved Form 29 Application by Prisoner for Parole Order having regard to section 180(2) of the CSA. The form must be lodged with Sentence Management Services at the corrective services facility where the prisoner is accommodated. If the prisoner is located at a work camp, the application is submitted at the prisoner's placement centre.

15. Transfer or Discharge from a Work Camp

15.2 Transfer for participation in a work order

Some low security facilities accommodate prisoners who have been granted a work order.

Refer to COPD Sentence Management: Transfers.

15.3 Queensland Police Service (QPS) watchhouse

A prisoner participating in a work camp may be placed in a QPS watchhouse prior to being escorted to a corrective services facility. This may be the result of safety and/or security concerns raised regarding the prisoner and a need to secure the prisoner immediately prior to the escort. A safety order must be generated when a prisoner is secured in a watchhouse. Refer to sections 53 and 68 of the CSA, the Queensland Corrective Services Instrument of Limitation of Corrective Services Officers' Powers and the COPD At Risk Management: At Risk.

Prior to deployment of prisoners to a work camp, the field supervisor will be supplied with:

- pre-dispensed Webster pack medications as required for the duration of the deployment (if applicable);
- QCS issued mobile phone; and
- approved prisoner monies.





Community Engagement

Management of Prisoners on a Work Program

CE

Custodial Operations Practice Directive

15.4 Discharge from work camp

Consideration must be given to, where practicable, discharging prisoners directly from a work camp. For example, if a prisoner is to be discharged to a location that is closer to the work camp than the managing corrective services facility and Community Corrections requirements can be met (if applicable), it may be beneficial to discharge the prisoner from the camp and not return them to the managing corrective services facility.

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