

Australian Capital Territory

Corrections Management (Transfer to a Secure Mental Health Facility) Policy 2019

Notifiable instrument NI2019-661

made under the

Corrections Management Act 2007, s14 (Corrections policies and operating procedures)

1 Name of instrument

This instrument is the *Corrections Management (Transfer to a Secure Mental Health Facility) Policy 2019*.

2 Commencement

This instrument commences on the day after its notification day.

3 Policy

I make this policy to facilitate the effective and efficient management of correctional services.

4. Revocation

This instrument revokes the *Corrections Management (Transfer and Admission to Health Facilities) Policy and Operating Procedure 2017* [NI2017-8].



Jon Peach
Executive Director
ACT Corrective Services
11 October 2019

TRANSFER TO A SECURE MENTAL HEALTH FACILITY

POLICY NO. D34

ACT CORRECTIVE SERVICES



ACT
Government

Justice and Community Safety

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1 PURPOSE

ACT Corrective Services (ACTCS) is committed to ensuring that detainees are transferred to a secure mental health facility where necessary for ongoing specialist mental health treatment, care and support.

This policy provides instructions on the transfer of a detainee to a secure mental health facility.

2 SCOPE

This policy applies to all correctional centres in the ACT.

Where required, the General Manager Custodial Operations will establish operational procedures under this policy.

3 DEFINITIONS

Court

Includes a tribunal and the Sentence Administration Board.

Mental health order

A psychiatric treatment order, community care order, or restriction order made under the *Mental Health Act 2015 (ACT)*.

Secure mental health facility

A facility declared under section 7 of the *Mental Health (Secure Facilities) Act 2016 (ACT)*.
Includes Dhulwa Mental Health Unit (DMHU).

Transfer direction

A direction under section 54 for a detainee to be transferred to a health facility, including a secure mental health facility.

4 PRINCIPLES

- 4.1 Detainees are transferred to a secure mental health facility where necessary to receive appropriate treatment, care and support in the custody of Canberra Health Services.
- 4.2 A copy of all records under this policy must be stored on the detainee's electronic record system and custody file.

5 INFORMATION SHARING

- 5.1 All communication to Canberra Health Services under this policy must be sent by email to Dhulwa@act.gov.au.
- 5.2 All communication from Canberra Health Services will be emailed to the recipients of the [#JACS, ACTCSDhulwaTransfer](#) email group.
- 5.3 Both agencies will follow-up any email communication in person or via a telephone call.
- 5.4 Where an incident occurs that may affect a detainee's physical or mental health during, or on the day of, a transfer of custody to/from ACTCS or Canberra Health Services, this must be recorded on the *Transfer of Custody Between a Place of Detention or Correctional Centre and DMHU or DMHU and Court*.

6 REFERRAL

- 6.1 A Forensic Mental Health Services psychiatrist will liaise with a secure mental health unit on the suitability for a detainee to be transferred from a correctional centre.
- 6.2 Where a referral under section 6.1 has been accepted by Canberra Health Services, a Justice Health doctor will request that the detainee be transferred to a secure mental health facility by providing a completed *Request to Transfer a Detainee from a Place of Detention or Correctional Centre to DHMU* to the Deputy General Manager Custodial Operations or above.
- 6.3 The Deputy General Manager Custodial Operations or above may approve requests under section 6.2 and direct a detainee to be transferred to a secure mental health facility under section 54 of the *Corrections Management Act 2007 (ACT)*.
- 6.4 Where a request under section 6.2 has been approved, the Deputy General Manager Custodial Operations or delegate will liaise with Canberra Health Services on a suitable date and time for the transfer to occur.
- 6.5 The following documents will be provided to Canberra Health Services via email to Dhulwa@act.gov.au no sooner than 24 hours prior to transfer:
 - a. *Request to Transfer a Detainee from a Place of Detention or Correctional Centre to DHMU*;
 - b. *Transfer to-from DMHU Security and Escort Risk Assessment*;
 - c. *Transfer from DMHU Clinical Summary*;

- d. the warrant for remand, imprisonment or order to hold the detainee in custody;
- e. the detainee's:
 - i. criminal history, and current Statement of Facts where appropriate;
 - ii. relevant orders (for example, Family Violence Order, Personal Protection Order, Non-Association Order);
 - iii. behaviour 48 hours prior to transfer;
 - iv. recent history of violence and violence triggers, if any;
 - v. telephone contact list;
 - vi. approved visitors; and
 - vii. any gang affiliations.

6.6 If a detainee is transferred to a secure mental health facility within 24 hours, the information under section 6.5 will be provided as soon as practicable prior to the detainee's arrival at the facility.

Emergency referrals

6.7 Where Forensic Mental Health Services determine that a detainee requires emergency detention under the *Mental Health Act 2015 (ACT)*, an emergency escort to The Canberra Hospital will be requested to the Officer-in-Charge or above.

6.8 The Officer-in-Charge or above will arrange an emergency escort under section 6.7 in accordance with the *Escorted Absences Policy*.

6.9 Where a detainee requires transfer from The Canberra Hospital to a secure mental health facility, Canberra Health Services will provide the Deputy General Manager Custodial Operations or above with the relevant documents under section 6.2.

7 DISCHARGE AND ESCORT

7.1 Detainees will be discharged from a correctional centre in accordance with the *Discharge Policy* prior to being escorted to a secure mental health facility.

7.2 Detainees may undergo a frisk search or scanning search in accordance with the *Searching Strategy* prior to transfer. Detainees will be strip-searched prior to being escorted to a secure mental health facility.

8 TRANSFER OF CUSTODY TO CANBERRA HEALTH SERVICES

- 8.1 Immediately on arrival to a secure mental health facility, escort officers will provide Canberra Health Services professionals with the Transfer of Custody Between a Place of Detention or Correctional Centre and DMHU or DMHU and Court signed by the Deputy General Manager Custodial Operations or above.
- 8.2 Custody of the detainee will be transferred to Canberra Health Services on completion of signatures on the 'Transfer of Custody' section on the provided Transfer of Custody Between a Place of Detention or Correctional Centre and DMHU or DMHU and Court.
- 8.3 Following the transfer of custody under section 8.2, Canberra Health Services are responsible for:
- a. removing the detainee from the escort vehicle; and
 - b. all searching, or use of force or restraint on a detainee.
- 8.4 Where necessary, Canberra Health Services may retain any restraints placed on a detainee during escort. Restraints will be returned to ACTCS as soon as practicable following transfer of custody.
- 8.5 A detainee's electronic record system will be updated to reflect their transfer of custody to Canberra Health Services.

9 DISCHARGE FROM A SECURE MENTAL HEALTH FACILITY

- 9.1 A detainee may be transferred from a secure mental health facility to a correctional centre where:
- a. the detainee no longer requires treatment, care or support in a secure mental health facility and has a continuing custody order;
 - b. the ACT Civil and Administrative Tribunal (ACAT) orders that the detainee be returned to the correctional centre; or
 - c. the Deputy General Manager Custodial Operations or above directs that the detainee be returned to the correctional centre under section 54 of the Corrections Management Act 2007 (ACT).
- 9.2 Where ACAT orders a detainee to be returned to a correctional centre, Canberra Health Services will provide the Deputy General Manager Custodial Operations or above with a Notification of Intent to Discharge a Person from the DMHU to a Correctional Facility or Place of Detention.

- 9.3 Prior to a detainee being transferred to a correctional centre, Canberra Health Services will provide the following documentation to provide the Deputy General Manager Custodial Operations or above:
- a. Transfer to-from DMHU Security and Escort Risk Assessment;
 - b. Transfer from DMHU Clinical Summary; and
 - c. a copy of any order under the Mental Health Act 2015 (ACT) from the detainee's time in the custody of Canberra Health Services, or order applied for.
- 9.4 The Deputy General Manager Custodial Operations or delegate will liaise with Canberra Health Services on a suitable date and time for the transfer and escort of a detainee to a correctional centre.
- 9.5 Custody of the detainee will be transferred back to ACTCS on completion of signatures on the 'Transfer of Custody' section on the provided Transfer of Custody Between a Place of Detention or Correctional Centre and DMHU or DMHU and Court.

10 RETURN TO A CORRECTIONAL CENTRE

- 10.1 On arrival at a correctional centre, detainees will be strip-searched in accordance with section 113C of the Corrections Management Act 2007 (ACT).
- 10.2 Detainees will be immediately managed under the Management of At-Risk Detainees Policy and accommodated in the Crisis Support Unit while all other admission processes are completed (Admission Policy).

11 COURT ATTENDANCE AND SENTENCE ADMINISTRATION BOARD

- 11.1 The Manager, Sentence Administration Section:
- a. will inform Canberra Health Services of any warrants or requirements for court attendance while a detainee is in the custody of Canberra Health Services; and
 - b. inform the court that the detainee is in the custody of Canberra Health Services.
- 11.2 Where a detainee is required to attend court while at a secure mental health facility, Canberra Health Services will provide the Deputy General Manager Custodial Operations or above with all documentation under section 9.3 as soon as possible.

- 11.3 Custody of the detainee will return to ACTCS on completion of signatures on the 'Transfer of Custody' section on the Transfer of Custody Between a Place of Detention or Correctional Centre and DMHU or DMHU and Court.
- 11.4 A Canberra Health Services professional who attends the detainee's court appearance:
- a. has no authority over the management of the detainee; and
 - b. is not permitted to be a passenger in an ACTCS escort vehicle.

Return from court to a secure mental health facility

- 11.5 Custody of the detainee will return to Canberra Health Services on completion of signatures on the 'Transfer of Custody' section on the Transfer of Custody Between a Place of Detention or Correctional Centre and DMHU or DMHU and Court.

Release from custody following court appearance

- 11.6 Where a detainee is bailed or released from custody by a court and there is no other court order for custody, the Court Transport Unit must immediately notify:
- a. the Officer-in-Charge;
 - b. the Deputy General Manager Custodial Operations; and
 - c. Canberra Health Services.
- 11.7 Where Canberra Health Services notify ACTCS that they are seeking an involuntary order following section 11.6, ACTCS does not have authority to continue to hold the detainee in custody until the order is made.
- 11.8 The detainee will be discharged in accordance with the Discharge Policy.

12 RELATED DOCUMENTS

- A – Request to Transfer a Detainee from a Place of Detention or Correctional Centre to DHMU
- B – Transfer to-from DMHU Security and Escort Risk Assessment
- C – Transfer of Custody between a Place of Detention or Correctional Centre and DMHU or DHMU and Court
- D – Transfer from DMHU Clinical Summary
- E – Notification of Intent to Discharge a Person from the DMHU to a Correctional Facility or Place of Detention
- F – Discharge Policy
- G – Escorted Absences Policy

- H – Incident Reporting, Notifications and Debriefs Policy
- I – Management of At-Risk Detainees Policy
- J – Searching Strategy



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 ACT Corrective Services
 11 October 2019

Document details

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Responsible officer:	General Manager Custodial Operations

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