

Australian Capital Territory

Corrections Management (Placement and Shared Cell) Operating Procedure 2023

Notifiable instrument NI2023-408

made under the

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

1 Name of instrument

This instrument is the *Corrections Management (Placement and Shared Cell) Operating Procedure 2023**.

2 Commencement

This instrument commences on the 7th August 2023.

3 Operating Procedure

I make this operating procedure to facilitate the effective and efficient management of corrections services.

4 Revocation

This instrument revokes Corrections Management (Placement and Shared Cell) Operating Procedure 2022 [NI2022-505].

Bruno Aloisi
A/g Commissioner
ACT Corrective Services
30 June 2023

*Name amended under Legislation Act, s 60



OPERATING PROCEDURE	Placement and Shared Cell Operating Procedure
OPERATING PROCEDURE NO.	D38.1
SCOPE	Alexander Maconochie Centre

STATEMENT OF PURPOSE

To provide instructions to correctional staff on how to make the initial accommodation placement decision and subsequent accommodation placement decisions.

PROCEDURES

1. Placement Risk Assessment during Admission process

- 1.1. As part of the admissions process, admissions staff must assess detainees for any immediate placement risks on admission to a correctional centre by review of the detainee's D22.F2: Admissions Pack, health assessment and mental health assessment within the detainee's electronic file.
- 1.2. Admissions officers must also assess detainees with immediate placement risks for protection status under section 7 from the information available.
- 1.3. Admissions officers may identify immediate risk factors in detainees including, but not limited to:
 - a. risks from suicide or self-harm (Detainees at Risk of Suicide or Self-harm Policy)
 - b. disability
 - c. information in file notes from the Australian Federal Police
 - d. nature of offence
 - e. other identifiable risk factors (such as employment prior to custody, known gang affiliations, etc.).
- 1.4. Admissions staff must record any placement risks within the D22.F2: Admissions Pack and provide this to the Admissions Supervisor (CO2).
- 1.5. The Admissions Supervisor (CO2) must review the D22.F2: Admissions Pack, decide on an appropriate induction placement, and inform the relevant Area Supervisor (CO2) of the detainee's move into that area.

2. Placement Assessment during Induction process

- 2.1. The Area Supervisor (CO2) must complete a D38.F1: Placement Assessment during induction:
 - a. to assess for risks to the detainee being placed in mainstream accommodation, including the risks of sharing a cell or room and sharing common areas with other detainees; and

- b. to recommend the appropriate accommodation unit for the detainee following completion of the induction process.
- 2.2. In completing a D38.F1: Placement Assessment, the Area Supervisor (CO2) must consider:
 - a. the detainee's classification
 - b. protection status
 - c. sentenced or remand status
 - d. Aboriginal and/or Torres Strait Islander status and relevant cultural and kinship considerations
 - e. recommendations in health and mental health assessments
 - f. disability
 - g. any information from the Intelligence Unit, where available
 - h. previous custody experience
 - i. non-associations, and
 - j. the safety, security, and good order of the correctional centre.
- 2.3. Once completed, the Area Supervisor (CO2) must upload the D38.F1: Placement Assessment form onto the detainee's electronic record and inform the Area Manager (CO3) of the decision.
- 2.4. The relevant Area Supervisor (CO2) must allocate the detainee to a cell or a room.

3. Cell movements

- 3.1. Following a detainee's first permanent placement, circumstances may arise which require correctional officers to move a detainee within the same accommodation area, including but not limited to:
 - a. an issue in the detainee's cell or room that requires maintenance
 - b. the detainee requests to move cells or rooms
 - c. in response to operational demands (bed demand pressures).
- 3.2. The officer (CO1) must review the detainee's electronic record and, if relevant, other information sources for any information that would signify a change in risk to the detainee if they were to move within that area, including sharing a cell or room with another detainee, and decide where to place the detainee.
- 3.3. Unless a significant change in risk is identified, it is not necessary for a new D38.F1: Placement Assessment to be completed as the detainee has already been assessed for risks within that area.
- 3.4. The officer (CO1) must record this accommodation move on the detainee's electronic record.
- 3.5. In the record, officers (CO1) must state the purpose for the move, that risks have been assessed, and whether any relevant new risks were identified.
- 3.6. If there is a change to the detainee's circumstances which represents a new significant risk, this must be documented on a D38.F1: Placement Assessment form as part of a placement review (section 4).

4. Reasons for a placement review

- 4.1. A placement review is required for the following reasons:
- a. where there are changes to a detainee's circumstances, including, but not limited to, changes to:
 - i. recommendations in health and mental health assessments
 - ii. protection status
 - iii. remand or sentenced status
 - iv. non-associations
 - v. risk alerts
 - vi. disability status.
 - b. where information or intelligence is received relating to any risk to or from the detainee, including under 5.1
 - c. to ensure security or good order are maintained at a correctional centre
 - d. where the detainee has committed a major breach of discipline or been referred to police for investigation (*Detainee Discipline Policy*)
 - e. where the detainee's security classification has changed (*Detainee Classification Policy*)
 - f. where the detainee's IEP level has changed (*Incentives and Earned Privileges Policy*)
 - g. where the detainee informs staff of a risk to themselves and requests to change their accommodation to another area
 - h. for any other reason the Area Supervisor (CO2) or above considers appropriate.

5. Placement review process

- 5.1. When an officer becomes aware of a change to a detainee's circumstances that may change the risk to, or from, a detainee in their accommodation placement, they must:
- a. inform their Area Supervisor (CO2), and
 - b. record this information on the detainee's electronic record.
- 5.2. The Area Supervisor (CO2) must first review the detainee's electronic record and consider the significance of the new risk or change to the detainee's placement.
- 5.3. If the Area Supervisor (CO2) determines that the detainee must be moved to another accommodation area, they must complete a *D38.F1: Placement Assessment* form and follow the process outlined from section 5.7.
- 5.4. If there are concerns about the detainee's mental health, and/or the detainee will be assessed for being at risk of suicide or self-harm, then the detainee must be managed according to the processes in *Detainees at Risk of Suicide or Self-harm Policy and Operating Procedure*. A placement assessment review will not be completed in this circumstance.
- 5.5. If the detainee is involved in a disciplinary matter, the detainee must be managed according to the *Detainee Discipline Policy*, or in some circumstances, the *Management of Segregation and Separate Confinement Policy*. A placement review will not be necessary unless the outcome of the discipline process requires the detainee to be moved to another area.

- 5.6. In all other cases except for detainees at risk of suicide or self-harm, and detainees involved in the discipline process, the Area Supervisor (CO2) must begin the placement review process.
- 5.7. The Area Supervisor (CO2) must review the known risks associated with that detainee and complete the *D38.F1: Placement Assessment* form, paying specific attention to vulnerabilities, associations, and classification status.
- 5.8. The Area Supervisor (CO2) must then determine and recommend the best area for placement and discuss this placement with the receiving Area Supervisor (CO2) and liaise with the Area Manager (CO3).
- 5.9. Once the Area Supervisor (CO2) has recommended the new placement, they must ensure the *D38.F1: Placement Assessment* form accompanies the detainee to the receiving accommodation area.
- 5.10. Once the Area Supervisor (CO2) has allocated the detainee to their accommodation, they must upload and attach the completed form to the detainee's electronic record.
- 5.11. Correctional staff must inform the detainee of the outcome of the placement review within two (2) working days.

6. Shared cell or room

- 6.1. Where a detainee requests or is requested to move into a shared cell or room, an officer must review the current *D38.F1: Placement Assessment* and electronic record of both detainees to assess the suitability of the shared placement. The officer must consider all factors listed in section 2.2.
- 6.2. Where a detainee has requested a move, the officer must inform the detainee of the outcome and, where a request has been denied, provide reasons to the detainee.
- 6.3. The relevant Area Supervisor (CO2) or above may override concerns identified from a review of all the factors listed in section 2.2 and approve a sharing request in exceptional circumstances, including but not limited to:
 - a. where both detainees identify as Aboriginal and/or Torres Strait Islander
 - b. where the shared placement would be in the interest of detainee welfare, safety, and security and good order at a correctional centre.
- 6.4. The relevant Area Supervisor (CO2) or above must record the reasons for this decision on the detainee's electronic record.

Family and kinship members

- 6.5. Where a detainee requests a change of accommodation placement to reside with an immediate family or kinship member, they may make a verbal request to an officer.
- 6.6. If the proposed move is to a cell or room within that accommodation area, then an officer (CO1) may review the request in accordance with section 3. If the move is to another accommodation area, then a placement review must be completed in accordance with section 5.

- 6.7. When reviewing the request in accordance with section 6.1, the officer or Area Supervisor (CO2) must take cultural issues into consideration and may seek advice from the Aboriginal & Torres Strait Islander Services Unit.
- 6.8. The officer or Area Supervisor (CO2) must record the decision, including the reason for the change in accommodation, in the detainee's electronic record.
- 6.9. Staff must inform the detainee of the outcome of their request within two (2) working days.

7. Protection status

Risks identified by ACTCS

- 7.1. If an ACTCS staff member becomes aware of a risk to a detainee that may require the detainee to be placed on protection, the staff member must inform the relevant Area Manager (CO3).
- 7.2. The Area Manager (CO3) must investigate the need for protection status and, where deemed appropriate, issue a written direction that the detainee be placed on protection status.
- 7.3. In cases where a high degree of confidentiality is required, e.g., where sensitive intelligence information is involved, the staff member may inform a higher ranked officer, who must ensure an investigation is undertaken and, where appropriate, a written direction issued to place the detainee on protection status.
- 7.4. Where a direction is issued under 7.2 or 7.3, the detainee must be placed on protection status and if the detainee must be moved to another accommodation area, the Area Supervisor (CO2) must complete a D38.F1: Placement Assessment form and follow the process in section 5.

Detainee request for protection

- 7.5. Detainees may request to be placed on protection status by making a request to any officer.
- 7.6. The officer must consult with the detainee and complete the D38.F2: Application for Protection and submit the form to the Area Supervisor (CO2).
- 7.7. The Area Supervisor (CO2) must submit the application form to the Area Manager (CO3) who must:
 - a. investigate the application
 - b. approve or refuse the application for status change
 - c. upload the completed D38.F2: Application for Protection to the detainee's electronic record, and
 - d. alert the relevant Area Supervisor (CO2) of the application outcome.
- 7.8. If the decision is approved, the detainee must be placed on protection status and if the detainee must be moved to another accommodation area, the Area Supervisor (CO2) must complete a D38.F1: Placement Assessment form and follow the process in section 5.
- 7.9. Detainees must be informed of the outcome of their D38.F2: Application for Protection in writing as soon as practicable.

8. Review of protection status

- 8.1. The Area Supervisor (CO2) or above must review the requirement for protection status when there is new information or a change in the detainee's circumstances.
- 8.2. The Area Supervisor (CO2) may recommend to the Area Manager (CO3) that a detainee's protection status be removed.
- 8.3. In considering a recommendation under section 8.2, the Area Manager (CO3) must consider whether:
 - a. the identified risks have been mitigated
 - a. the safety of the detainee can be effectively managed in a mainstream accommodation placement
 - b. the wellbeing of the detainee is at risk if protection status is removed
 - c. the security and good order of the centre is at risk if protection status is removed
 - d. a management plan is required to transition the detainee to a mainstream accommodation placement.
- 8.4. Where the Area Manager (CO3) has approved the removal of a detainee's protection status:
 - a. the detainee must be informed of the reasons for the decision in writing
 - b. a D38.F1: Placement Assessment must be completed to determine the appropriate accommodation placement for the detainee, and
 - c. the Area Manager (CO3) must record the decision and reasons for removal of protection status in the detainee's electronic record.
- 8.5. Where a detainee wishes to appeal a decision under section 8.4, they must submit a new D38.F2: Application for Protection to the relevant Area Supervisor (CO2) including the reasons for reconsideration.
- 8.6. The Area Supervisor (CO2) must submit the completed D38.F2: Application for Protection to the Area Manager (CO3) for review. The Area Manager (CO3) that reviews this appeal must be different to the original decision maker.
- 8.7. Detainees must remain under protection status until the outcome of their new D38.F2: Application for Protection is confirmed.

Detainee request for revocation of protection status

- 8.8. Detainees may request to have their protection status revoked by submitting a D38.F3: Removal from Protection including the reasons for the removal.
- 8.9. The Area Manager (CO3) must review all applications under section 8.8 and approve or refuse the request.
- 8.10. The Area Supervisor (CO2) must ensure the detainee is informed of the outcome of their application as soon as practicable. Where an application has been refused, the detainee must be provided with the reasons for the decision.

9. Upper bunk bed occupancy

- 9.1. When placing a detainee into a cell or a room with a bunk bed, the Area Supervisor (CO2) must make reasonable efforts to identify any factors which may cause the detainee difficulty in occupying the upper bunk such as:
- a. age
 - b. physical limitations
 - c. disabilities
 - d. medical alerts or information.
- 9.2. Where information is received that may impact the detainee's suitability for an upper bunk, it must be immediately reviewed, and the detainee allocated to a bottom bunk where necessary.

RELATED DOCUMENTS

- D22.F2: Admissions Pack
- Reception, Admission and Induction Policy
- Incentives and Earned Privileges Policy
- Detainee Discipline Policy
- Detainee Classification Policy
- D38.F1: Placement Assessment
- D38.F2: Application for Protection
- D38.F3: Removal from Protection
- Detainee Request Form
- Management of Segregation and Separate Confinement Policy
- Detainees at Risk of Suicide or Self-harm Policy

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Document details

Criteria	Details
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Compliance:	This operating procedure reflects the requirements of the <i>Corrections Management (Policy Framework) Policy 2020</i>

Version Control			
Version no.	Date	Description	Author
V1	September-22	First Issued	S Young
V2	June-23	Minor Amendments	M McKenzie