



CRITERIA FOR PLACEMENT IN LOW CUSTODY			Appendix 1
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Philosophy of Prisoner Progression

An important component of prisoner management philosophy and humane containment is that prisoners are managed in the least restrictive environment possible.

It is expected that some prisoners may initially meet criteria for placement in high security but, by virtue of their prison conduct or simply the passage of time, may be assessed as having demonstrated the ability to be entrusted with a greater level of self-regulation and are accordingly considered suitable for placement in a less restrictive environment.

Prisoners sentenced to a period of imprisonment of three years or less have in general been identified through government policy and sentencing by a court as at the lower end of criminal offending and therefore have been provided an automatic statutory community release date (i.e. court ordered parole). Prisoners with a court ordered parole release date should be progressed through the correctional system to low custody as soon as possible to ensure release to the community from the least restrictive environment. This should be commensurate with an assessment of the individual prisoner's assessed risk and need.

In determining the suitability of a prisoner with a low classification for low custody placement a number of factors require consideration. These factors are to be considered in the context of the prisoner's individual circumstances and the weight applied to any one factor must be balanced against all relevant factors. Prisoners are to be afforded natural justice and the reasons for placement decision/s must be individualised.

Factors to be considered in determining progression to low custody

- Offending behaviour
 - A prisoner is not to be placed at a low custody facility in instances where there are current or prior convictions for a sexual offence listed in Schedule 1 of the *Corrective Services Act 2006* or an offence which is considered sexually motivated or where there is an identified sexual component.
 - Where a prisoner has committed an offence which has received a serious violent offence declaration, the delegate should refer to the Offence Severity Scale – Appendix 4 and the circumstances of the offending when determining whether placement at a low custody facility is suitable.
 - In cases where the prisoner has been convicted of an offence of a violent nature, consideration is to be given to the circumstances of the offence, eg the relationship to the victim, evidence of domestic violence, patterns of offending behaviour and /or severity of the violent behaviour when determining suitability for placement in low custody.
- Escape Risk
 - A prisoner is not to be placed at a low custody facility in instances where they have a conviction for escape, attempting to or preparing to escape during the current period of imprisonment. In exceptional circumstances, where all other factors considered lend themselves to a low custody placement decision, the Deputy Commissioner, Statewide



Operations, Executive Director, Specialist Operations or General Manager, Sentence Management Services may approve the placement of a prisoner with a conviction of escape in their current episode to a low custody facility.

- The placement of a prisoner with a historical conviction for escape, attempting to or preparing to escape in a previous correctional episode either in Queensland or recorded in their interstate criminal history, is at the discretion of the delegate and consideration should be given to the circumstances of the offence.
- Institutional behaviour
 - For male prisoners – consideration should be given to whether their institutional behaviour is of an acceptable standard. Reference should be made to the seriousness of the prisoner's current and past institutional violations as evidenced by the prisoner's breach/incident history, including behavioural management issues.
 - Male prisoners with breaches of discipline for a positive urinalysis result, possession of medication, involvement or possession of drugs or drug related paraphernalia are not to be transferred to a low custody facility for a period of 12 months following the incident (refer Appendix 14 – Response to Drug and Alcohol Use).
 - For female prisoners – consideration should be given to whether their institutional behaviour is of an acceptable standard. The nature and circumstances of instances of current or past institutional violations should be considered, and at the discretion of the delegate, may not negatively influence a low custody placement decision when balanced against all other relevant factors. A general assessment should be undertaken in relation to the prisoner's current and past institutional violation history, including behavioural management issues.
 - Placement at a low security facility for female prisoners with breaches of discipline for a positive urinalysis result, possession of medication, involvement or possession of drugs or drug paraphernalia is at the discretion of the delegate (refer Appendix 14 – Response to Drug and Alcohol Use). There is no minimum time required to be spent in secure custody.
- Intelligence information:
 - Consideration should be given to the prisoner's role in intelligence information/incidents, ie if the prisoner is listed as the 'victim' or 'other' in an incident, this should not preclude their progression to low custody. If the prisoner is listed as the 'perpetrator' consideration should be given to the circumstances of the incident before a determination is made as to their suitability for placement at a low custody facility.
 - Consideration should be given to the prisoner's association with groups of interest/associates/known enemies before a determination is made as to their suitability for placement at a low custody facility.



- Support requirements
 - Consideration should be given to whether the prisoner requires access to 24 hour medical assistance and/or specialist care (including mental health) and whether that level of care can be provided at a low security corrective services facility.
 - Consideration should also be given to whether the prisoner has been assessed as having the ability to self-regulate their behaviour.
- Legal Status, Deportation or Extradition
 - Male prisoners subject to deportation/removal or extradition are not to be placed at a low custody facility.
 - Unless it is considered that placement at a low custody facility heightens the prisoner's risk of escape, female prisoners subject to deportation/removal or extradition may be considered for placement at a low custody facility.
 - Female prisoners returned to custody following contravention of court or board ordered parole may be considered for placement at a low custody facility unless the contravention is for committing further offences of a sexual and/or violent nature.
 - Female prisoners being held in custody on remand for non-violent, non-sexual offences may be considered for placement at a low custody facility.
- Proximity to Parole Eligibility or Court Ordered Parole date
 - Consideration should be given to a prisoner's parole eligibility date and the period of imprisonment served. Female prisoners who have served the initial portion of a lengthy period of imprisonment are able to be considered for placement at a low custody facility, however all other factors should also be considered when determining their suitability.
 - Where a prisoner has a current application for parole being considered by the parole board, this should be considered along with recent advice or decisions from the parole board and all other relevant factors when determining their suitability for placement at a low custody facility.
- Risk of Reoffending (RoR) Score:
 - Consideration should be given to the prisoner's RoR score and risk of general reoffending when determining suitability for low custody placement. Note: staff are not to rely on the RoR score solely as a predictor of recidivism.
- Intervention needs:
 - Male prisoners with high intensity intervention needs are not to be placed at a low custody facility until such time as these interventions have been completed.
 - Male prisoners with low intensity intervention needs may be considered for placement in low custody however the availability of recommended low intensity programs should be considered.
 - Female prisoners with outstanding interventions may be considered for placement at a low custody facility.
- Any other relevant factor.



Appendix

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SENTENCE MANAGEMENT – DECISION MAKING RECORD INSTRUCTIONS

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Purpose

The Sentence Management – Decision Making Record (SM-DMR) is used to record the evidence, facts and decisions regarding a prisoner's security classification and/or placement including reasons for the decision/s. In addition the SM-DMR contains a section where comments regarding the prisoner's progression against their Progression Plan can be recorded.

Any reconsiderations of the original decision are to also be recorded using the SM-DMR.

Information Requirements

It is necessary to consider a prisoner's individual circumstances when determining classification and placement.

Relevant information must be available to the decision maker before a determination is made in relation to a prisoner's security classification or placement.

The detail of information to be considered and level of analysis required to determine a prisoner's security classification or placement is dependent on the prisoner's length of sentence and stage of progression in their sentence including proximity to parole release/eligibility.

For the purpose of assigning initial security classification after sentencing the following documents must be available to the Delegate:

- Warrant, Order of Imprisonment, Verdict and Judgement Record
- Transcript of Proceedings (if applicable)
- Criminal History
- Immediate Risk Needs Assessment
- Rehabilitation Needs Assessment (if applicable)
- Protection Needs Assessment (if applicable)
- visits history
- personal particulars
- previous correctional history (if applicable)
- details in relation to any outstanding charges including those in another State or Territory.

As prisoners progress through their period of imprisonment, corrective services officers will record case notes and reports in IOMS detailing the prisoner's general behaviour and attitudes, their involvement in programs, education, employment and reintegration and reparation activities. Prisoners may also be subject to further assessments to identify risks and needs to inform appropriate rehabilitation and management strategies. These reports are integral to determining changes in security classification and placement in order to reflect the current risks a prisoner poses and will need to be considered, analysed and documented in the SM-DMR.

In circumstances where all the required information is not available, the decision maker must determine whether or not a comprehensive and considered determination can be made. Every attempt to gather the missing information must be made. For example if the criminal history is not available a copy is to be requested from the Queensland Police Service (QPS). Where the decision maker is able to proceed without the information a notation must be made in the SM-DMR that specific documents are missing



e.g. the Transcript of Proceedings is not available. Efforts to obtain the information should continue and when the relevant documents become available staff should review the accuracy of the SM-DMR including the determination and conduct a review of the prisoner's classification and placement.

Considerations

The following factors must be considered when determining a prisoner's security classification and/or placement. There may be instances where the delegate can complete a "Classification Decision Only" SMDMR without reference to all of the assessment factors. In these instances, the delegate must be satisfied all relevant information has been considered and documented for an informed decision.

Nature of offences

Examine all current convictions and outstanding court matters for the prisoner. For prisoners who are imprisoned due to suspension of a parole order, consider the nature of the offence for which the original order was imposed. Where a probation order, community service order or a partially suspended sentence was originally imposed and the prisoner is now serving a sentence following breaching the order or sentence, consideration must be given to the original offence as well as any offence related to the original order being breached.

In those instances where a prisoner is remanded in custody (imprisoned on other charges) or sentenced to imprisonment for offences which were committed whilst imprisoned, record the nature of the offence and reference relevant reports.

Reference must be made to the [Offence Severity Scale Appendix 4](#) which provides a general outline of categories of offences on a sliding scale of severity. A conviction for an attempted offence is to be regarded as equal to carrying out the offence. This is particularly important where limited information regarding the details of the offence is available.

Consider the length of sentence imposed for the offence/s as an indicator of seriousness and this aspect is particularly important when making decisions regarding placement. Where available, refer to the Transcript of Proceedings to ascertain the facts surrounding the offence/s to inform the seriousness of those actions as considered by the court. It may also be possible to ascertain whether or not the sentencing authority made specific comments on the nature of the offence/s.

Where there is no Transcript of Proceedings available, consider the police court brief/QP9 if available. It is important to recognise the information contained in this document may not necessarily have been accepted by the sentencing court. Caution should be exercised in the use of this information and in every instance, the prisoner must be advised of the content of the police court brief/QP9 and the prisoner's response and description of the offending recorded must be sought and documented. The decision maker should consider this information only if the prisoner has had the opportunity to provide their account of events, and this information has been recorded.

Discretion and sensitivity to community expectation must be exercised when considering the nature of a prisoner's offence/s. Assessment, placement and management of prisoners' whose cases attracted media interest due to the nature of their offence/s at the time of sentencing and/or throughout their sentence must be sensitive to community expectation. Similar considerations must be made for prisoners convicted of violent or sexual offences as some decisions including lowering security classification or placement in a low security correctional centre may raise concern for the broader community.

The authorised delegate must ensure explicit consideration is given to any violence perpetrated by a prisoner when making decisions regarding their security classification and placement. Specific consideration is to be given to the nature of the violence including:



- relationship to the victim e.g. domestic violence versus stranger violence;
- any patterns of violent offending; and/or
- severity of violent behaviour

Escape risk

Focus on two main areas when considering escape risk – static factors (history of escape or escape related behaviours) and dynamic factors (current individual circumstances).

Static factors

Review the criminal and correctional histories to ascertain details of any convictions recorded for escaping from custody (whether from police, courts or corrective services facilities). Convictions for attempting to escape or preparing to escape will be considered as equivalent in seriousness to those for escape. It is important to identify any pattern of convictions for escape.

Consider:

- the environment from which the prisoner escaped including low security, work camp, secure centre
- evidence of planning to escape
- the level of violence, if any, used to facilitate the escape
- whether the prisoner escaped in company of others or with external assistance.

A pattern of convictions for breaches of bail undertakings and community based sanctions including breach of court ordered parole and breach of probation order must also be assessed from a view point of the prisoner's commitment or ability to comply with requirements under low levels of supervision and potential flight responses.

Prisoners who have been convicted of escape, attempting to or preparing to escape during the current period of imprisonment will not ordinarily be assigned a security classification lower than high security classification. Prisoners in this category may be accommodated in residential style accommodation where assessed as appropriate.

A lower security rating can only be assigned by the Deputy Commissioner, Statewide Operations, Executive Director, Specialist Operations or General Manager, Sentence Management Services.

Dynamic factors

As escape risk does not always remain static and may fluctuate as a prisoner's circumstances change it is necessary to consider:

- prospect of further convictions and sentence implications for outstanding court matters (prisoners can not progress to a low security environment if this factor is present)
- for female prisoners – prospect of further convictions and sentence implications for outstanding court matters
- attitude to their current imprisonment
- attitude to deportation/removal from Australia
- attitude to extradition proceedings and the impact of the outstanding charges on the risk of escape
- family circumstances including difficulties in personal relationships and family issues
- propensity to act impulsively
- a prisoner's access to resources and supports that may assist in escape



- any intelligence information that indicates a possibility of involvement in escape related activities.

This information is usually gained through interviewing the prisoner, reference to intelligence holdings (either internal or external to Queensland Corrective Services (QCS)) and case notes where relevant.

In all but exceptional circumstances male prisoners subject to extradition or deportation will not be classified lower than high security classification. Male prisoners in this category may be accommodated in residential style accommodation where assessed as appropriate.

Female prisoners subject to extradition or deportation may be placed in a low custody facility if it is assessed that this does not elevate the prisoner's risk of escape.

It is necessary to review the prisoner's security classification and placement within the correctional system at any time where a concern regarding escape risk may be elevated.

Risk of reoffending and the likely impact on the community

Consider a range of elements to assist in assessing the likelihood of reoffending and potential impact should reoffending occur. The following is not an exhaustive list, and the individual circumstances of each case must be taken into account.

When conducting the security classification assessment, consider the following items, but not limited to:

- Risk of Reoffending (RoR) score – provides one indicator for the likelihood of a prisoner reoffending. The RoR is conducted at the point of admission to the correctional episode and is scaled from 1 to 22 for prisoners in custody (RoR – Prison Version). Prisoners who commenced the correctional episode in the community will have received the probation and parole version of the RoR (RoR-PPV) with the score ranging between 1 and 20. The higher the score, the greater the risk of general reoffending. A prisoner with a RoR score of 16 or more is considered to pose a higher risk of general reoffending and will require a higher level of services. Note: Staff are not to rely on this figure alone as a predictor of recidivism.
- Use the prisoner's criminal history including interstate criminal history (if relevant and available) to identify the most serious offence/s committed prior to the current period of imprisonment. It is also used to identify any patterns of offending, the frequency of offending and the general extent of offending.
- Where a prisoner has a history of escape, consideration must be given to whether the prisoner committed further offences whilst at large and examine the nature of those offences. Also consider the elapsed time since the last escape including any time spent at large or accommodated under stringent regimes that minimise the opportunity for escape.
- Offence(s) committed by a prisoner during the current correctional episode whether in custody or under community supervision must also be examined and considered. Of particular note is the level of supervision and management to which the prisoner was subject at the time of the offence, from a point of view of the prisoner's commitment or ability to comply with requirements under low levels of supervision. Consideration must also be given to the frequency of instances of violence and harm caused to others as a consequence of offending. Examine records of incidents and breaches of discipline in the same manner:
 - For prisoners with frequent instances of violence, progression through the system will occur only after extensive periods of appropriate behaviour have been demonstrated. In



extreme cases including murder committed in custody progression beyond high security classification will not occur unless exceptional circumstances exist.

- Male prisoners who record convictions for drug related offences committed within a corrective services facility will not be classified lower than high security classification for a period of 12 months. This position also applies where assessment or information gathered identifies that a prisoner has a history of or ongoing involvement with illicit substances including drug taking, alcohol intake, brewing fermented liquids and drug distribution. Tobacco is to be considered as a prohibited article instead of a substance related matter in the decision making processes.
- Eligibility for transfer to low custody for female prisoners is at the discretion of the delegate, following an individualised review of all relevant factors.
- Assessments conducted for the purposes of offender management planning are used to identify intervention needs which when addressed may provide some mitigation of these risk factors. When conducting a prisoner's security classification post sentencing, take into account the further details relating to the prisoner's offending, any identified factors contributing to their offending and the recommended interventions and activities to be undertaken prior to release to the community.
- When conducting a review of a prisoner's security classification, consider the prisoner's progress against their Progression Plan and any current risk assessments which must be weighed against the original risk assessment. It is important to review current reports from the full range of centre activity in which the prisoner has been engaged.
- In those instances where a prisoner has not engaged in recommended interventions or progression activities, explore with the prisoner the underlying reasons for their lack of engagement.

In considering all aspects within this factor it is important that both positive and negative factors be considered and weighed to determine the appropriate security classification and future management.

Risk to self, other prisoners, staff and security of the corrective services facility

This criterion covers a broad range of possible behaviours and considerations that must be made by staff. Whilst not an exhaustive list the following provides a guide for staff to assess these risk areas:

- general stability of behaviour
- any history of self-harm including triggers to any episodes of self-harm
- ability to self manage
- prisoners' response to daily interaction with others and staff
- attitude and commitment to progression
- general interaction with other prisoners and staff
- instances of violence, threats, aggression or bullying in the environment
- involvement with illicit substances
- compliance with correctional centre rules and behaviour standards

The evidence that informs this criterion will be found in the prisoner's records and staff reports.

In those instances where a prisoner's record indicates a positive test result to an illicit substance, refer to the *Corrective Services Act 2006* (CSA).



For prisoners who pose a threat to the safety of others or centre security considerations for reduced classification and placement will only occur after the prisoner has been able to demonstrate appropriate behaviour for a significant period of time as determined by the delegate.

The authorised delegate must ensure explicit consideration is given to any violence perpetrated by a prisoner including while detained in custody when making decisions regarding their security classification and placement.

Explicit consideration is to be given to a prisoner's association with groups of interest including any active or recent intelligence information when making decisions regarding their security classification and placement. The prisoner must be afforded a natural justice process and given the opportunity to respond to the delegate with information regarding their group membership or otherwise.

Completing the Sentence Management – Decision Making Record

Use the SM-DMR to record the evidence, facts and reasons that led to the decision(s) made during the process. It is not necessary to duplicate data that already forms part of the prisoner's IOMS record or that is presented in the comment box for another factor in the SM-DMR. Synthesise and analyse the available information and record decisions made as well as attaching relevant reports to the document.

It is not necessary to complete all sections of the document on all occasions.

For example:

- the planning section will not be used for prisoners subject to their first security classification and placement post sentencing
- the placement section will only be used where there is a requirement to transfer a prisoner
- the assessment factors need not be completed in all instances including straightforward cases where only basic information is required in order to inform the decision.

Overview

Confirm the prisoner's legal status or amend by selecting from the categories available which is most appropriate to the prisoner's legal status. A comment is required to provide the reasons that prompted any change to the prisoner's legal status. Note: any amendments to the prisoner's legal status made in the SM-DMR will only be recorded in the SM-DMR and not in the prisoner's sentence and order details.

Record the purpose of the decisions to be made within this document by selecting from the drop down menu. The document purpose will determine which fields within the SM-DMR become available to record information. Options include:

Options	Examples of use
Prisoner placement at prisoner request	When a prisoner requests a transfer outside of the scheduled review process and their reasons are considered valid.
Prisoner placement only	When it is necessary to transit a prisoner for a court appearance or medical appointment.
Security classification and placement	When it is necessary to consider both security classification and placement whether as part of a scheduled review or not including in response to a significant incident that may result in maximum security classification and placement.
Security classification only	When court matters are finalised and it is considered classification will be affected by this.



Security classification assessment factors

Factor A: Nature of offence for which prisoner has been charged or convicted

Select the category that most appropriately reflects the most serious offence from the drop down menu. The most serious offence may not be the offence for which the greatest penalty was imposed.

Record the relevant facts suggestive of a more serious nature of offending by:

- commenting on (not listing) the number, severity and range of offence(s) including whether the prisoner is remanded in custody or sentenced for those offences
- identifying the period of imprisonment to be served, the time served to date (including pre-sentence custody) and the proximity to eligibility for release
- noting any relevant sentencing comments that identify the seriousness of the offence(s) and any court recommendations – do not transcribe large portions of the transcripts
- indicating instances where imprisonment has resulted from breaches of community orders
- indicating offences that were committed whilst in custody.

Factor B: Risk of the prisoner escaping or attempting to escape from custody

Escape history

Complete the history of convictions as identified from the correctional or criminal history by marking the relevant boxes. The presence of an escape risk warning indicator in IOMS in a previous episode will automatically pre-populate.

The comment box is used to record additional information including:

- the environment from which the prisoner escaped including low security, work camp or secure centre
- any evidence of planning to escape
- the level of violence if any used to facilitate the escape
- whether the prisoner escaped in company of others and/or external assistance was provided.

In those instances where a prisoner has been subject to a Maximum Security Order (MSO) due to their risk of escape or attempting to escape this should be identified in this section.

Escape risk assessment

Deportation or extradition

Mark the relevant boxes for deportation and extradition and provide comments where necessary. Comments are to reflect the prisoner's attitude towards deportation or extradition. In any case where staff answer "No" it is necessary to identify whether there is no known information or information has been sought and external agencies have responded that there is no action to be taken.

Intelligence checks

Note whether an intelligence check has been completed by marking the relevant box. Comments will indicate that:

- no intelligence check has been conducted
- yes a check has been conducted and:
 - no intelligence relevant to escape risk is recorded; or
 - there is relevant intelligence available – record the intelligence information using the Confidential Information Administrative Form 15.

Relevant dynamic factors



Record any current dynamic factors (or absence of these factors) that may influence the risk to escape including for example the prisoner's:

- prospects of further convictions and sentence implications for outstanding court matters (a male prisoner cannot progress to a low security environment if this factor is present)
- attitude to their current imprisonment
- individual circumstances including any difficulties in personal relationships, family issues or conflicts within the environment
- propensity to act impulsively
- a prisoner's access to resources and supports that may assist in escape.

Factor C: Risk of the prisoner committing a further offence and the impact the commission of the further offence is likely to have on the community

Criminal history

In completing this section:

- select the most serious offence contained in the Criminal History using the drop down menu
- select from a list the number of convictions recorded in the previous five years.

The comments box should provide a description of the prisoner's Criminal History including:

- the prisoner's age when offending began
- any patterns of offending – type of offending, frequency and prolificacy of offending (not a list of past convictions)
- the nature of penalties imposed i.e. do not list all the penalties but rather whether community supervision and/or previous periods of imprisonment have been imposed
- details of offending whilst in custody or under community supervision paying particular regard to breaches of orders
- history of breaches in custody particularly noting breaches relating to institutional violence, sexual offending or drug use.

Reports and assessments

Record:

- any risks and needs relevant to reoffending as identified through the assessment phase(s) including specialised assessments and external psychiatric or psychological assessments. It is not necessary to enter the RoR score as this field automatically pre-populates into this section of the SM-DMR
- any responsivity barriers and/or issues that must be addressed.

When reviewing a prisoner's security classification it will also be necessary to attach reports provided by staff and panel members and submissions made by the prisoner. Refer to specific reports here but it is not necessary to list all reports in this section. The comments section should also refer to:

- the effectiveness of interventions in contributing to reducing risk of reoffending
- the level of engagement with progression activities noting reasons where gaps appear
- remedial strategies if appropriate
- any outstanding risks that have not yet been addressed.

Factor D: The risk the prisoner poses to himself or herself, and other prisoners, staff members and the security of the corrective services facility

Risk to self



Select appropriate answers to questions of history of and current management of self-harm/suicide.

Where a prisoner has a history of self-harm/suicidal ideation, use the comments section to provide a brief synopsis of:

- severity and frequency of episodes and behaviours
- any known triggers that may increase their risk
- any current assessments of self-harm
- any current strategies used to manage self-harm risk i.e. elevated baseline risk processes and Intensive Management Plans (IMPs).

Risks to others

The comments box should provide a brief description of:

- the prisoner's attitude towards and interaction with staff and/or other prisoners
- the prisoner's general behaviour
- any incidents or breaches relating to bullying, harassment, violence or aggression towards staff and/or other prisoners.

In those instances where a prisoner has been subject to a Maximum Security Order (MSO) due to the risk presented to others this should be identified in this section including the behaviours that led to that decision.

Risk to security of the corrective services facility

Record any current factors (or absence of these factors) that may pose a risk to the security or good order of a centre including:

- any involvement in illicit substances
- any non-violent recorded breaches of discipline or incidents
- whether the prisoner has been subject to intensive case management
- any previous periods spent in low security environment and if applicable reasons for return to high security.

In those instances where a prisoner has been subject to a MSO due to the risk presented to the security and good order of a corrective services facility this should be identified in this section.

Intelligence holdings

Select if intelligence holdings have been checked by marking appropriate box. Comments will indicate that:

- no intelligence check has been conducted; or
- yes a check has been conducted; and
 - no intelligence relevant to risk to the security and good order of the centre is recorded or
 - there is relevant intelligence available – staff must record the intelligence information using the Confidential Information Administrative Form 15.

Recording the security classification decision

Ensure that an appropriately authorised delegate makes decisions regarding prisoner security classification. Refer Instrument of Delegation of Chief Executive Powers – Department of Justice and Attorney-General (QCS). In those instances where the authorised delegate is present a decision can be made and is to be recorded in the *Security Classification Decision* section of the SM-DMR.



Where the matter must be referred to the authorised delegate for decision making a recommendation is to be made. The recommendation is to be recorded in the *Security Classification Recommendation* section of the SM-DMR and forwarded to the delegate for determination. The delegate is responsible for completing the *Security Classification Decision* section of the SM-DMR.

In those instances where the delegate has a reason for reaching a security classification decision and that reason can not be disclosed to the prisoner because to do so may reasonably be expected to present a threat to the good order and security of the centre, the delegate is to note this in the SM-DMR. Delegates are to be as specific as possible regarding what can and can not be disclosed to a prisoner and for what reason. For example,

“In determining your security classification I have considered confidential intelligence information recorded in your name that can not be disclosed to you. This intelligence information suggests (state in general terms what the intelligence suggests e.g. that you are an elevated risk of escape or that you are at risk of harm from others etc.). It can not be disclosed to you (provide the reason the information can not be disclosed to the prisoner e.g. so as to ensure the security and good order of the corrective services facility or so as to ensure the safety of individuals).”

It will also be necessary to then record the details of this reason in a confidential document. Refer Confidential Information Administrative Form 15. This document is to be forwarded to the relevant Regional Manager, Sentence Management Services for storage. It is not to be attached in IOMS.

All decisions are to be written in a clear and concise manner which conveys to the reader the reasons underpinning the decision. Where appropriate it should be evident that any submissions by the prisoner have been considered in reaching the decision. Reasons must be specific to the prisoner's circumstances and form a logical explanation of the decision. The relevant facts must be linked to the decision so the reader can understand how it was made and which facts were most heavily relied on.

Reference must be made to relevant parts of legislation, QCS policies and procedures that shape the decision making process and clearly identify the comments and submissions of the prisoner and the weighting they were given in reaching the final determination.

Record the documents and materials that were considered as part of the decision making process.

The prisoner is to be advised of their rights to have decisions reconsidered or reviewed and the process to seek reconsideration or review of a decision from the Chief Executive. This must be noted in the decision making area of the SM-DMR.

A date at which the prisoner's security classification is to be reviewed is to be set. This must accord with legislative requirements.

The decision and reasons for a security classification decision must be provided to the prisoner in writing within **two working days** after the decision is made. Prisoners are to be given a printed copy of the approved security classification decision i.e. *Information Notice Security Classification* and are to be informed at the time of being given a copy that they may obtain assistance from an appropriate staff member to read and understand the decision. A case note is to be recorded using the sub category *SMDMR – Security Classification Information Notice*, confirming that the information notice has been provided to the prisoner and they have been informed they may seek assistance from staff in reading and understanding the information notice and is to include the date that this occurred. Wherever practicable the prisoner should acknowledge in writing receipt of the notice.

Upon advice of the decision prisoners must also be informed of their rights regarding requesting reconsideration and the application process and timeframes.



Recording progression

In instances where a prisoner's Progression Plan period does not align with their classification review (e.g. 12 months for high security prisoners) the prisoner's progress against their Progression Plan is to be noted in the SM-DMR at the time their security classification is reviewed.

Placement Considerations

When recording a placement decision, consideration needs to take into account all relevant information, including QCS policy positions, CSA regulations and prisoner association with groups of interest including any active or recent intelligence information.

Recording the placement decision

In those instances where the decision maker is present, a decision can be made and is to be recorded in the *Placement Decision* section of the SM-DMR.

Where the matter must be referred to the decision maker a recommendation is to be made. The recommendation is to be recorded in the *Placement Recommendation* section of the SM-DMR and then forwarded to the decision maker for determination. The decision maker is responsible for completing the *Placement Decision* section of the SM-DMR.

In those instances where the decision maker has a reason for reaching a placement decision and that reason can not be disclosed to the prisoner because to do so may reasonably be expected to present a threat to the good order and security of the centre, the decision maker is to note this in the SM-DMR document. Delegates are to be as specific as possible regarding what can and can not be disclosed to a prisoner and for what reason. For example,

"In determining your placement I have considered confidential intelligence information recorded in your name that can not be disclosed to you. This intelligence information suggests (state in general terms what the intelligence suggests e.g. that you are an elevated risk of escape or that you are at risk of harm from others etc.). It can not be disclosed to you (provide the reason the information can not be disclosed to the prisoner e.g. so as to ensure the security and good order of the corrective services facility or so as to ensure the safety of individuals)."

It will also be necessary to then record the details of this reason in a Confidential Information Administrative Form 15. This document is to be forwarded to the relevant Regional Manager, Sentence Management Services for storage. It is not to be attached in IOMS.

Decisions are to be written in a clear and concise manner which conveys to the reader the reasoning underpinning the decision. Reference must be made to relevant parts of legislation and QCS policies and procedures that shape the decision making process and clearly identify the comments and submissions of the prisoner and the weighting they were given in reaching the final determination.

List the reasons for the decision including submissions or representations made by the prisoner. The prisoner is to be advised of their rights to have decisions reconsidered or reviewed and the process to seek reconsideration or review of a decision from the Chief Executive. This must be noted in the decision making area of the document.

Record the documents and materials that were considered as part of the decision making process. If necessary a date for review of the prisoner's placement is to be recorded.

The decision and reasons for a placement decision must be provided, in writing, to the prisoner **within two working days** after the decision is finalised. Prisoners are to be given a printed copy of the



approved placement decision i.e. *Notice of Placement Decision* and are to be informed at the time of being given a copy that they may obtain assistance from an appropriate staff member to read and understand the decision. A case note using the sub category *SMDMR – Placement Information Notice*, is to be recorded advising that the notice has been provided to the prisoner and they have been informed they may seek assistance from staff in reading and understanding the information notice and is to include the date that this occurred. Wherever practicable the prisoner should acknowledge in writing receipt of the notice.

Upon advice of the decision, prisoners must also be informed of their rights regarding requesting reconsideration and the application process and time frames.

Attachments

Prior to verifying the document it is necessary to ensure that relevant reports are attached. This may include:

- education report
- psychological services report
- case notes/reports
- employment reports
- health centre report
- any other relevant report used in consideration of the recommendation and/or decision.

However if the document is already contained within the prisoner's IOMS record these should be referenced but not electronically attached.

Recording reconsideration of decisions

Reconsideration of security classification or placement decisions is to be recorded in the SM-DMR containing the original decision by way of reopening this decision in IOMS.

The reconsideration and grounds for initiating the reconsideration must be recorded in the reopened SM-DMR. The original security classification and placement are to be confirmed, amended or cancelled and the new decision/s recorded in the SM-DMR where necessary.

The outcome of the reconsideration of the decision/s must be written in a clear and concise manner which conveys the reasoning underpinning the new decision. This must include reference to relevant parts of legislation and QCS policies and procedures that influenced the decision and any submissions or representations made by the prisoner and the weighting they were given in reaching the outcome.

Prisoners are to be provided with a copy of the decision advising them in writing of the outcome of their request for reconsideration. Prisoners are to be informed at the time of being given a copy of the reconsideration decision that they may obtain assistance from an appropriate staff member to read and understand the decision. A case note is to be recorded advising that the prisoner has been provided a copy and they have been informed they may seek assistance from staff in reading and understanding the decision, and is to include the date that this occurred.

The reconsideration process should be finalised within 28 days of receipt of the request.



CUSTODIAL OPERATIONS PRACTICE DIRECTIVE

Classification and Placement

Version: 1.1

Implement date: 31/03/2015

Availability: Public

Performance Standard: To ensure the prisoner's security classification is assigned in accordance with legislative requirements and informs the prisoner's level of supervision, placement and management requirements, taking into account their individual circumstances and to ensure the prisoner's progress is reviewed at appropriate points throughout their sentence.

Outcomes:

- Determine initial security classification of maximum, high or low.
- Determine initial placement corrective services facility following sentencing.
- Determine suitability for immediate placement in a low security corrective services facility for eligible prisoners.
- Review a prisoner's security classification.
- Review placement of a prisoner.
- Confirm or amend a prisoner's security classification or placement decision/s following application to reconsider the decision/s.
- Determine suitability for the Work Program.

Accountability:

Assistant Manager
Sentence Management
Services

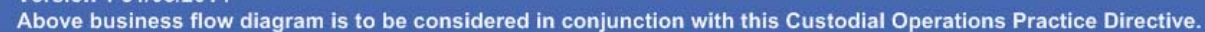
- Identifies the need for a security classification and placement decision.
- Conducts assessment of suitability for immediate placement in a low security corrective services facility (for eligible prisoners).
- Schedules a panel interview where determined necessary by the Chief Executive or delegate to determine the prisoner's classification and placement.
- Provides notice of a panel interview to the prisoner and conducts pre-panel preparation including requesting relevant reports from corrective services facility staff where relevant.
- Documents the factors considered and reasons for the recommendation/s in the Sentence Management – Decision Making Record (SM-DMR).
- Provides the information notices detailing the security classification and placement decisions including reasons for the decisions to the prisoner.
- Processes requests for reconsideration of the security classification and/or placement decision/s.
- Provides notice of decision/s to the prisoner and the relevant General Manager following the confirmation, amendment or cancellation of security classification and/or placement decisions.
- Assesses prisoners' eligibility for the Work Program and refers for an assessment of suitability.

Manager Offender
Development

- Contributes to the security classification and placement decision making process including participation in a panel interview where



	<p>determined necessary by the Chief Executive or delegate.</p> <ul style="list-style-type: none"> Preparation of reports regarding the prisoner's engagement and progress in education, programs and activities along with an assessment of all relevant risk areas and details of any future intervention requirements.
Corrective Services Officer	<ul style="list-style-type: none"> Contributes to the security classification and placement decision making process including participation in a panel interview where determined necessary by the Chief Executive or delegate. Preparation of reports regarding the prisoner's engagement in employment and general behaviour.
Work Program Coordinator	<ul style="list-style-type: none"> Conducts assessment of suitability for the Work Program. Advises a prisoner of the outcome of an assessment for the Work Program and issues a work order (where relevant).
Intelligence Officer	<ul style="list-style-type: none"> Contributes to the assessment of a prisoner's suitability for the Work Program.
Manager Serious Offenders Unit	<ul style="list-style-type: none"> Coordinates reviews of security classification for prisoners subject to a continuing detention order or interim detention order under the <i>Dangerous Prisoners (Sexual Offenders) Act 2003</i> (DPSOA).
General Manager Corrective Services Facility	<ul style="list-style-type: none"> Ensures appropriately qualified and trained corrective services facility staff complete the necessary assessments and reports relevant to the decisions being made and participate in panel interviews when relevant
Chief Executive or Delegate	<ul style="list-style-type: none"> Makes determinations in relation to the prisoner's security classification and placement. Documents reasons for the security classification and/or placement decision in the SM DMR. Applies oversight in relation to the quality of the SM-DMR. Confirms, amends or cancels the security classification and/or placement decision/s following a request for reconsideration of the decision/s. Determines a prisoner's suitability for the Work Program. Amends or repeals a prisoner's work order (where relevant).
<p>Process Owner: Specialist Operations and Statewide Operations maintain joint ownership and responsibility for review and amendment of the Classification and Placement Practice Directive.</p>	





Security Classification and Placement

All corrective services officers involved in the classification and placement decision making process including all panel members i.e. Sentence Management Services staff, Offender Development staff, custodial officers, cultural liaison officers and delegated decision makers must complete the Queensland Corrective Services (QCS) self-paced training *The Process of Making Security Classification and Transfer Decisions*.

Determine Initial Security Classification

In accordance with section 12 of the *Corrective Services Act 2006* (CSA) when a prisoner is admitted to a corrective services facility for detention, the prisoner must be classified into one of the following security classifications:

- maximum
- high; or
- low.

If a prisoner is admitted to a corrective services facility for detention on remand for an offence and is not serving a term of imprisonment for another offence or the prisoner is subject to a criminal organisation segregation order (COSO), pursuant to sections 12(1A) and 12(1B) of the CSA respectively, the prisoner must only be classified into a security classification of:

- high; or
- if the Chief Executive decides – maximum.

<p>Maximum Security Classification</p>	<p>Maximum security classification will be assigned when assessment against legislative criteria indicate the risks a prisoner poses are so significant the prisoner can not be effectively managed at a high security classification.</p> <p>Prisoners assigned a maximum security classification are managed under strict regimes that may moderate aspects of their behaviour including interaction with staff, other prisoners and visitors.</p> <p>A prisoner should not be classified maximum security if the prisoner is:</p> <ul style="list-style-type: none"> • female • under the age of 18 years • displaying acutely suicidal or self-harm behaviour or ideation. <p>If a prisoner has been diagnosed as having a psychiatric condition or cognitive impairment the prisoner should not be classified as maximum security until the prisoner:</p> <ul style="list-style-type: none"> • for a psychiatric disorder – has been examined by a doctor • for a cognitive impairment – has been examined by a psychologist; and • the relevant assessment by the doctor or psychologist has been considered. <p>Refer <i>Corrective Services Regulation 2006</i> s17.</p>
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	In those cases where a prisoner is assigned a maximum security classification the Chief Executive or delegate must refer to section 60 of the CSA to inform the making of a Maximum Security Order (where relevant to the particular case). Refer MSO and COSO Management Practice Directive.
High Security Classification	<p>High security classification will be assigned to those prisoners requiring high levels of supervision and highly structured routines to ensure centre security, appropriate behaviour and to maintain prisoner well-being. This security rating will also apply to prisoners:</p> <ul style="list-style-type: none"> • admitted to a corrective services facility for detention on remand for an offence and not serving a term of imprisonment for another offence • serving the initial portion of a lengthy period of imprisonment • with outstanding charges (including interstate charges) • for male prisoners – subject to extradition or immigration removal (in all but exceptional circumstances) • for female prisoners – subject to extradition or immigration removal unless it can be determined the prisoner is not at risk of escape • who have been convicted of escape attempting to or preparing to escape during the current period of imprisonment • imprisoned for serious offences but who may not require such stringent supervision within a secure facility. <p>Staff are to manage prisoners recently received into the correctional system who have not yet been classified as high security prisoners.</p>
Low Security Classification	Low security classification will be assigned to prisoners requiring limited direct supervision, considered not to be an escape risk and assessed as a minimal risk of causing harm to the community. This may include short-term prisoners and those who are nearing release from lengthy sentences.

Where determined relevant by the Chief Executive or delegate a classification, placement and planning panel interview is to be conducted. Refer to the Conduct Classification, Placement and Planning Panel Interview section of this Practice Directive.

In reaching a decision or formulating a recommendation in those instances where the decision maker is not present at the panel interview, staff must consider the prisoner's circumstances with respect to each of the legislative factors set out in CSA s12(2). Whilst the legislative criteria form the foundation for determining security classification, staff may take into account any other relevant information that is available. Any other information considered is to be recorded in the decision making process. The date of next review of security classification must be set. This is calculated from the date of the last decision and in accordance with legislative CSA s13 or procedural requirements.

The security classification decision and the date of next review is to be recorded in the SM-DMR in IOMS.



Refer Instrument of Delegation of Chief Executive Powers – Department of Justice and Attorney-General (QCS) and Deputy Director-General's Instruction – Conditions for Exercising Sentence Management Delegations.

Timeframe	Within six weeks of admission (following sentencing).
Responsible Officer	Assistant Manager, Sentence Management Services.



Approval and Review

Chief Executive or delegate.

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Determine Initial Placement

A placement decision is made when necessary to determine the most appropriate placement within the correctional system for a prisoner.

All prisoners who are required to be transferred from the current corrective services facility require a placement decision to be made. However the Order for Transfer of a Prisoner Approved Form 9 is only required for the transfer of prisoners from Arthur Gorrie Correctional Centre to Brisbane Correctional Centre following sentencing. During the initial placement process consideration may be given to placing a prisoner in a facility outside the region in which they reside for the purposes of capacity utilisation. Refer Movements and Transfers Practice Directive.

The needs of the individual including the management and progression of the prisoner must be balanced against QCS' requirement to efficiently and effectively manage the correctional system as a whole. The following is to be taken into account by the Chief Executive or delegate in making a decision regarding prisoner placement:

- the security classification and supervision requirements as reflected by the prisoner's security classification
- the length of the sentence the prisoner has served to date and the proximity of their release dates (i.e. parole and full time discharge)
- the prisoner's safety including compatibility issues, associates, protection status and history of sexual assault in a correctional environment
- any outstanding court requirements – proximity to the court where their matters are to be heard (unless other issues including compatibility issues or security threats that can not be managed at the location are present)
- access to activities and interventions to achieve planned goals and activities
- any medical including mental health issues and requirements for external medical appointments
- the prisoner's personal circumstances including access to family and primary social supports
- the prisoner being an identified participant in a criminal organisation subject to a Criminal Organisation Segregation Order (COSO)
- any other relevant factor.

High Security Corrective Services Facility	All prisoners who are classified high security will be accommodated in high security corrective services facilities.
Low Security Corrective Services Facility	Prisoners allocated a low security classification may be accommodated in a low security corrective services facility and work camps.



	When considering placement in a low security corrective services facility staff must refer to Criteria for Placement in Low Custody Appendix 1. When considering suitability for the Work Program staff must refer to the Work Program – Work Order Assessment and Approval section of this Practice Directive.
Aboriginal or Torres Strait Islander Prisoner	<p>When conducting a placement assessment for an Aboriginal or Torres Strait Islander prisoner consideration must be given to <i>Corrective Services Regulation 2006 s4</i>.</p> <p>An Aboriginal or Torres Strait Islander prisoner is to be accommodated in a corrective services facility as close as practicable to the prisoner's family unless the Chief Executive or delegate is satisfied the prisoner does not want to be accommodated near their family, or unless other relevant factors are present such as safety and security concerns.</p>
Protection Prisoners	Protection prisoners must be advised that their placement may not be in their current region as placement of protection prisoners within the correctional system is based on availability of protection cells and individual needs.
Transgender Prisoners	<p>The placement decision for a transgender prisoner must be made by the General Manager, Operational Service Delivery in consultation with the General Manager of the corrective services facility.</p> <p>When making the placement decision the following factors must be considered:</p> <ul style="list-style-type: none"> • the risk the prisoner may pose to the safety and security of the placement facility • the nature of the offending • the prisoner's personal circumstances • the risk to the prisoner or to other prisoners at the placement facility • the views of the prisoner's treating medical practitioner or psychiatrist (if known/available) • whether the prisoner has lived as a member of the acquired gender in the community and for what length of time • whether the prisoner has had hormone treatment at any time • whether the prisoner has undergone or is undergoing a medical or surgical procedure (or a combination of such procedures) to alter the genitals and other gender characteristics of the prisoner identified by a birth certificate, so that the prisoner could be identified as a person of the acquired gender • the prisoner's preference for accommodation in a male or female corrective services facility • any concerns expressed by staff and the prisoner in relation to the prisoner's safety • where the prisoner could be accommodated appropriately within the placement facility



	<ul style="list-style-type: none"> any other factors considered relevant. <p>A transgender prisoner who has had reassignment surgery completed and noted in the Register of Births is excluded from this requirement.</p>
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Where determined relevant by the Chief Executive or delegate a classification, placement and planning panel interview is to be conducted. Refer to the Conduct Classification, Placement and Planning Panel Interview section of this Practice Directive.

In those instances where the Chief Executive or delegate is not present at the panel interview a recommendation is to be made and forwarded to the decision maker for determination. Placement decisions including reasons for the decision are to be recorded in the SM-DMR in IOMS.



Refer Instrument of Delegation of Chief Executive Powers – Department of Justice and Attorney-General (QCS) and Deputy Director-General's Instruction Conditions for Exercising Sentence Management Delegations.

Timeframe	Within six weeks of admission (following sentencing).
Responsible Officer	Assistant Manager, Sentence Management Services.
Approval and Review	Chief Executive or delegate.

Additional Considerations – Safety and Security Concerns	Where a placement decision is required to be made for the purposes of immediate placement at another location due to safety or security concerns, the SM-DMR and supporting documentation must be forwarded directly to the Chief Executive or delegate for determination. In these circumstances a Sentence Management Services Panel Interview is not required. Refer Movements and Transfers Practice Directive.
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Security Classification and Placement Decision Not Required

A security classification and/or placement decision including completion of the SM-DMR is not required for prisoners with a legal status of remand who will automatically be assigned a high security classification (excluding a prisoner classified maximum security).

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]





A low custody panel interview is to be scheduled by Sentence Management Services for determination of placement. Refer to the Conduct Low Custody Panel Interview section of this Practice Directive.

Outcomes and reasons for the decision must be recorded in the SM-DMR in IOMS and the relevant information notice provided to the prisoner. Refer Sentence Management – Decision Making Record Appendix 2.



<p>Additional Considerations – Unsuitable for Transfer to Low Custody Security</p>	<p>If a prisoner subject to an immediate placement consideration was assessed as unsuitable to progress to a low security corrective services facility due to a consideration including outstanding court or a parole suspension, the prisoner may be reassessed for progression once the consideration that initially prevented their progression has been completed, finalised or no longer considered relevant i.e. outstanding court matter dealt with or parole indefinitely suspended or cancelled.</p>

Refer Instrument of Delegation of Chief Executive Powers – Department of Justice and Attorney-General (QCS) and Deputy Director-General's Instruction – Conditions for Exercising Sentence Management Delegations.



Timeframe	Within six weeks of admission (following sentencing).
Responsible Officer	Assistant Manager, Sentence Management Services.
Approval and Review	Chief Executive or delegate.

Schedule Sentence Management Services Panel Interview

Sentence Management Services is responsible for scheduling the relevant panel interview i.e. Classification, Placement and Planning or Low Custody Panel Interview and collating any reports provided from relevant Offender Development staff and corrective services officers for reviews of security classification and/or placement i.e. panel members. Refer Sentence Management Services Panel Interview Process Appendix 3 and the Prepare Reports for Review section of this Practice Directive.

Notice of Sentence Management Services Panel Interview

Where possible a prisoner should be provided prior notice in writing of a panel interview including details of the purpose i.e. determination of security classification, placement and/or transfer to low custody using Notice of a Sentence Management Services Panel Interview Administrative Form 14.

Conduct Classification, Placement and Planning Panel Interview

During the panel interview staff must raise and discuss with the prisoner the positive factors and those that may adversely affect a prisoner's security classification or placement determination. The panel considering a prisoner's placement must also discuss with a prisoner their preference for placement including reasons.

The prisoner who has been provided time to prepare their case is asked to consider these points and preliminary decisions or recommendations. Prisoners are to be encouraged to make comments and submissions regarding these considerations. These considerations must be documented in the SM-DMR in IOMS.



In the event that discussing the factors with the prisoner could reasonably be expected to prejudice the security or good order of a corrective services facility an appropriate officer must record that fact in the SM-DMR document and create a Confidential Information Administrative Form 15 documenting the information that could not be disclosed to the prisoner. Refer to the Complete SM-DMR section of this Practice Directive.

During the panel interview prisoners are to be verbally informed that they will be provided written notice of the decisions made including reasons for the decision and the process for requesting reconsideration or review of a security classification or placement decision. For security classification decisions the prisoner is to be provided with the date of effect of the decision. Prisoners are also to be verbally informed that assistance can be provided to read and understand the IOMS generated Information Notice Security Classification Decision and Information Notice Placement Decision where required. Refer to the Information Notice Security Classification Decision and Information Notice Placement Decision section of this Practice Directive and the Reconsideration or Review of Security Classification and Placement Decisions section of this Practice Directive.

Staff need to identify the point at which a review of security classification is to occur ensuring the date of review falls within the legislative requirements CSA s13.

Refer Instrument of Delegation of Chief Executive Powers – Department of Justice and Attorney-General (QCS) and Deputy Director-General's Instruction – Conditions for Exercising Sentence Management Delegations.



Conduct Low Custody Panel Interview

A low custody panel interview is to be scheduled for prisoners who are being considered for immediate placement in a low security corrective services facility as per the Immediate Placement Considerations Assessment section of this Practice Directive.

The low custody panel interview is to be conducted in the same manner as outlined in the Conduct Classification, Placement and Planning Panel Interview section of this Practice Directive and the Sentence Management Services Panel Interview Process Appendix 3.

Participate in the Sentence Management Services Panel Interview

Corrective services facility staff may be required to participate in a classification, placement and planning panel interview or a low custody panel interview. This may include an Offender Development staff member, corrective services officer, cultural liaison officer and/or other relevant staff or other representatives as determined necessary on a case by case basis. Refer Sentence Management Services Panel Interview Process Appendix 3.

Complete Sentence Management – Decision Making Record (SM-DMR)

The evidence, facts and reasons used to determine security classification and/or placement and whether a review of the ORP has been conducted is to be recorded in the SM-DMR in IOMS in a clear and coherent manner.



The reasons for a prisoner's preference for placement must be recorded in the SM-DMR in IOMS and any written submissions or brief notes of oral submissions must be maintained in IOMS or the Offender File.



The fact that the prisoner has been advised of their right to a reconsideration of a security classification and/or placement decision and the process for submitting a request for reconsiderations of the decision/s must be recorded in the SM-DMR and detailed in the information notice provided to the prisoner.



The date of review is to be recorded in the SM-DMR in IOMS.

The SM-DMR document must be completed in accordance with the Sentence Management – Decision Making Record Appendix 2. This appendix contains important requirements that must be adhered to by staff preparing the SM-DMR and decision makers.

<p>Additional Considerations – Recording and Storage of Confidential Information</p>	<p>Confidential information (i.e. information that can not be disclosed to the prisoner) which is of relevance to and influences decisions made in relation to a prisoner's security classification and or placement must be recorded using the Confidential Information Administrative Form 15.</p> <p>Confidential information will normally be intelligence information which can not be disclosed to the prisoner as this would compromise the safety and security of the corrective services facility or place an individual's safety at risk including escape related intelligence.</p> <p>The Confidential Information Administrative Form 15 must be given a reference number which is created by recording the date the decision is made in DD/MM/YYYY format followed by the prisoner's IOMS number, family name and given name (i.e. 21/04/2011 D12345 FAMILY NAME, Given Name). The</p>
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	<p>completed form must be provided to the relevant Regional Manager, Sentence Management Services and stored within a secure network drive location. No other copies of the form in print or electronic version are to be maintained in any other location.</p> <p>In the SM-DMR the Chief Executive or delegate must record that intelligence information influenced the decision and be as specific as possible regarding what can and can not be disclosed to the prisoner and for what reason. Refer Sentence Management – Decision Making Record Appendix 2.</p>
Additional Considerations – Interstate Transfers	<p>Information pertaining to the prisoner's response to the correctional environment prior to their interstate transfer should be included in the decision making process such as:</p> <ul style="list-style-type: none"> • institutional behaviour • involvement in work, programs and other interventions • current assessment outcomes • any other relevant information that can be obtained. <p>This information should be used to assist when completing the Sentence Management – Decision Making Record (SM-DMR).</p> <p>An additional two week period may be taken to complete the SM-DMR to enable a more comprehensive summary in the event the information is not available at the time of the prisoner's transfer to Queensland.</p>

Refer Instrument of Delegation of Chief Executive Powers – Department of Justice and Attorney-General (QCS) and Deputy Director-General's Instruction – Conditions for Exercising Sentence Management Delegations.

Determine Security Classification and Placement

The Chief Executive or delegate must have regard to the factors outlined in CSA s12 when determining a prisoner's security classification. The Chief Executive or delegate must weigh all the available information relevant to each of the factors and consider the most appropriate security classification for the prisoner at the time the assessment is conducted. Information used will include both the written assessments and/or reports, the verbal reports by staff conducting the assessment and the prisoner's input to the process.

Decision makers must determine which of the factor/s will most influence the decision and also the degree of influence. The decision must represent a balanced assessment of all the relevant facts and take into account QCS policy or procedural provisions.

Principles of administrative decision making are to be applied to all security classification decisions. Refer Administrative Decision Making Guideline.

The Chief Executive or delegate may make a placement decision to transfer a prisoner to another corrective services facility in accordance with CSA s68.

It is the responsibility of the Chief Executive or delegate to enter the security classification and/or placement decision including reasons for the decision/s in the SM-DMR in IOMS. The date of effect of a security classification decision must be recorded in the decision. Refer Sentence Management – Decision Making Record Appendix 2.





For security classification decisions it is necessary to establish the date when the prisoner's security classification must be reviewed in accordance with legislative requirements CSA s13. Refer to the Initiate Review of Security Classification and/or Placement section of this Practice Directive.

The legislative timeframes for the review of security classification are taken from the date of the last decision. The date of review is to be recorded in the SM-DMR in IOMS.



Timeframe	The SM-DMR is to be forwarded to the Chief Executive or delegate within one week of the panel interview.
Responsible Officer	Assistant Manager, Sentence Management Services with input from relevant corrective services facility staff.
Approval and Review	Chief Executive or delegate.

Information Notice Security Classification Decision / Information Notice Placement Decision

The CSA s15 contains provisions for prisoners to be provided with an information notice about the security classification decision. The decision and reasons for a security classification decision must be provided to the prisoner in writing within **two working days** after the decision is made.

The decision and reasons for a placement decision must be provided in writing to the prisoner **immediately** after the decision is finalised.

IOMS generates notices for the purpose of providing prisoners with information and notification of decisions. Prisoners are to be given a printed copy of the approved security classification decision and/or placement decision i.e. Information Notice Security Classification and/or Information Notice Placement Decision. Prisoners are to again be informed at the time of being given a copy that they may obtain assistance from an appropriate staff member to read and understand the decision/s.

A case note is to be recorded advising that the Information Notice Security Classification and/or Information Notice Placement Decision has been provided to the prisoner and they have been informed they may seek assistance from staff in reading and understanding the information notice/s and is to include the date that this occurred. Where practicable the prisoner should acknowledge in writing receipt of the notice.

Upon advice of the decision prisoners must also be informed of their rights regarding requesting reconsideration and the application process and timeframes.

Timeframe	<ul style="list-style-type: none"> Security classification – within 2 working days after the decision is finalised. Placement – immediately after the decision is finalised.
Responsible Officer	Assistant Manager, Sentence Management Services.
Approval and Review	Chief Executive or delegate.

Initiate a Review of Security Classification and/or Placement

A review of a prisoner's classification, placement and planning can be conducted in one process at the same time or separately at different times either prescribed or optional during a prisoner's term of imprisonment. A prisoner's security classification must be reviewed at the intervals prescribed by CSA s13. A review of the prisoner's placement need only occur in circumstances where the prisoner is to be transferred to another corrective services facility



Minimum Review Timeframes			
Review Type	Prisoner Category	Review of Security Classification	Review of Placement
Scheduled Review	Maximum Security Classification	6 months	When required
	Continuing Detention Order	To be determined by security classification level	When required
	High Security Classification (excluding remand legal status)	12 months	When required
	Low Security Classification	As triggered by a significant event	When required
Event-based Review	All	For a prisoner whose term of imprisonment is changed by a court order – when the court orders the change. Following a significant event that has a potential to impact on a prisoner's security classification and or placement.	Following a significant event that has a potential to impact on a prisoner's security classification and/or placement.

Additional Considerations – Guardianship and/or Administration Order	If a prisoner has an active Guardianship and/or Administration Order warning flag indicator in IOMS staff must contact the prisoner's appointed guardian for involvement in the review process. This may include advising the appointed guardian of the review process, discussing the level of involvement of the appointed guardian and forwarding any required documentation to the appointed guardian for review. Refer Admission and Induction Practice Directive – Working with Substitute Decision Makers for Offenders under Guardianship and Administration Orders Appendix 6.
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Review of Security Classification

The security classification of a prisoner assigned a maximum or high security classification **must** be reviewed at the intervals prescribed by legislation. Refer section 13(1) of the CSA.

However, in accordance with section 13(1A) of the CSA the Chief Executive or delegate need not review the security classification of a prisoner with a high security classification if the prisoner:

- is being detained on remand for an offence; and
- is not serving a term of imprisonment for another offence.

Also, in accordance with section 13(1B) of the CSA the Chief Executive or delegate need not review the security classification of a prisoner subject to a COSO regardless of whether:

- the prisoner's security classification is high or maximum; or
- a court order changes the term of the prisoner's imprisonment.

As per section 13(2) of the CSA the security classification of a prisoner with a low security classification **may** be reviewed i.e. the Chief Executive or delegate may review the security classification if the prisoner's behaviour deteriorates.



Further to the above legislative requirements a prisoner's security classification may be reviewed in response to significant change or changes in the prisoner's circumstances including:

- at any time where a concern regarding an elevation in escape risk is raised
- following a serious assault on another prisoner or staff member
- following repeal or amendment of a work order where applicable
- following notification that a prisoner has been confirmed as being a participant in a criminal organisation
- following the cancellation of a COSO
- following any other significant event that may indicate a need for an increase or reduction in security classification such as returning a positive urinalysis test, inappropriate behaviour or completion of a significant intervention milestone.

In all but extraordinary cases a prisoner's security classification can only be reduced by one security level at a time.

Where determined relevant by the Chief Executive or delegate a panel interview is to be conducted. Refer to the Conduct Classification, Placement and Planning Interview or Conduct Low Custody Panel section of this Practice Directive.

Determinations of security classification must be made in accordance with the Determine Initial Security Classification section of this Practice Directive.

Additional Considerations – Progression to Residential Accommodation	During the review of a prisoner's security classification Sentence Management Services may identify the prisoner as suitable for referral to the relevant correctional manager for assessment for placement in residential accommodation. Refer Accommodation and Case Management Practice Directive.
Additional Considerations – Progression to the Work Program	During the review of a prisoner's security classification Sentence Management Services should identify prisoners as early as possible for assessment of suitability for the Work Program. Refer to the Work Program – Work Order Assessment and Approval section of this Practice Directive.

Refer Instrument of Delegation of Chief Executive Powers – Department of Justice and Attorney-General (QCS) and Deputy Director-General's Instruction – Conditions for Exercising Sentence Management Delegations.

Timeframe	As per CSA s13.
Responsible Officer	Assistant Manager, Sentence Management Services.
Approval and Review	Chief Executive or delegate.



Review of Placement

A review of placement is conducted to ensure a prisoner is placed at the most appropriate location within the correctional environment for their management and progression.

A review of placement may occur at any time including:





- at the time of review of security classification where consideration for transfer to another corrective services facility is indicated
- due to a significant change in the prisoner's circumstances including in response to identified safety and security issues including confirmation of a prisoner's participation in a criminal organisation or completion of a recommended program
- upon receipt of a valid request including exceptional circumstances from the prisoner
- to ensure the effective utilisation of QCS resources.

A decision to transfer a prisoner from one corrective services facility to another should have regard to the factors outlined in the Determine Initial Placement section of this Practice Directive. Consideration must also be given to the prisoner's attitude towards any pending immigration removal or extradition.

Staff must consider the Criteria for Placement in Low Custody Appendix 1 when assessing a prisoner's suitability to transfer to a low security corrective services facility

Automatic Review of Transfer	<p>When a prisoner is transferred between high security corrective services facilities or from a low security corrective services facility to a high security corrective services facility following significant event, excluding:</p> <ul style="list-style-type: none"> • changes to sentencing • changes to remand matters • issue of a Maximum Security Order; or • issue of a Safety Order <p>the receiving facility must review the prisoner's placement and classification within four weeks of the transfer.</p> <p>The prisoner must be provided with the opportunity to provide information that they wish the Chief Executive or delegate to consider in making their decision. The Chief Executive or delegate must consider this information as part of the decision making process.</p> <p>Upon completion of the automatic review of a transfer, a prisoner may request a reconsideration of placement decision. Refer to the Request for Reconsideration or Review of Placement Decision section of this Practice Directive.</p>
Involuntary Transfer	<p>Placement of prisoners who have been subject to involuntary transfer must be considered at each review of classification. The review must include assessment of the ongoing impact of dislocation, welfare and support needs and identify opportunities for support should the placement be required to continue.</p> <p>Subject to availability of beds prisoners who have been subject to involuntary inter-regional transfer are to be offered the opportunity to be returned to their centre of origin in the month preceding discharge to facilitate community transition arrangements upon release from custody. If the prisoner is assessed</p>



	<p>as unsuitable to transfer back to their facility of origin the prisoner's transitional arrangements and the provision of assistance to return to their community must be considered.</p>
Prisoners Returned to Secure Custody from Low Custody	<p>Any prisoner returned to secure custody as a result of a positive urinalysis must have their suitability for placement in low custody assessed in accordance with Criteria for Placement in Low Custody Appendix 1.</p> <p>Refer Risk Management Practice Directive – Response to Drug and Alcohol Use Appendix 14.</p> <p>If a prisoner is transferred from low custody to secure custody as a result of inappropriate behaviour the prisoner's case must be reviewed.</p> <p>If a prisoner is transferred from low custody to secure custody as a result of a medical condition the prisoner's suitability for placement in low should be assessed if the medical condition is subsequently stabilised. A low custody panel interview is not required in this circumstance but advice from medical staff should inform the assessment. Prisoners who may be subsequently suitable for return to low custody may include:</p> <ul style="list-style-type: none"> • a prisoner with a diagnosed psychiatric condition demonstrating an ability to self regulate behaviour as a result of a change in medication • a prisoner with a medical condition that required access to 24 hour medical assistance having the condition stabilised and no longer requiring access to 24 hour medical assistance.
	
Additional Considerations – Aboriginal or Torres Strait Islander Prisoner	<p>When reviewing an Aboriginal or Torres Strait Islander prisoner's placement, the requirements of section 4 of the <i>Corrective Services Regulation 2006</i> must be considered.</p> <p>The Cultural Liaison Officer should be present when discussing transfer issues relating to an Aboriginal or Torres Strait Islander prisoner. The Cultural Liaison Officer is responsible for coordinating the prisoner's transitional needs and ensuring they are continued following transfer between corrective services facilities in preparation for discharge.</p>
	
Additional Considerations – Allegations of Sexual Assault	<p>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.</p>



Where determined relevant by the Chief Executive or delegate a panel interview is to be conducted. Refer to the Conduct Classification, Placement and Planning Interview or Conduct Low Custody Panel section of this Practice Directive. In the case of a transfer as a result of a significant event such as escape related information or risk to the prisoner, the prisoner can be moved without convening a panel. Determinations of placement must be made in accordance with the Determine Initial Placement section of this Practice Directive.

Wherever possible a single date of next review is to be established taking into account all relevant factors. The reasons for making a placement decision may determine the period of review such as return from a low security corrective services facility due to poor behaviour or to undertake a program. Where a prisoner's circumstances change, additional or further reviews may be required. For example, in circumstances where credible information becomes available that a prisoner is preparing to escape, the prisoner's placement and/or security classification must be reviewed immediately.

Refer Instrument of Delegation of Chief Executive Powers – Department of Justice and Attorney-General (QCS) and Deputy Director-General's Instruction – Conditions for Exercising Sentence Management Delegations.

Responsible Officer	Assistant Manager, Sentence Management Services.
Approval and Review	Chief Executive or delegate.

Prepare Reports for Review

For reviews of security classification and/or placement corrective services facility staff are required to prepare reports relevant to the review regarding:

- the prisoner's institutional conduct employment and behaviour
- the prisoner's attitude towards staff and other prisoners
- changes that the prisoner is required to make or progress that has been made in terms of conduct, behaviour, attitude towards staff, other prisoners and work
- pre-release/transitional activities
- the prisoner's compliance with other requirements of the plan

and where relevant a determination must be made concerning:

- the prisoner's progress to date
- goals, strategies and activities including pre-release planning for the next review period
- the prisoner's classification
- the prisoner's risk of escape
- the prisoner's placement.

Reports must be entered in IOMS one week prior to the scheduled panel interview.



Reconsideration of Security Classification and Placement Decisions

Assistant Manager
Sentence Management ServicesRequest for
Reconsideration or
Review of Security
Classification
DecisionRequest for
Reconsideration or
Review of Placement
DecisionRe-open Original
Decision

Chief Executive or Delegate

Confirm or Amend
Decision/sNotice of
Decision on
Reconsideration
of Security
ClassificationNotice of
Decision on
Transfer
ReconsiderationProvide Notice of
Decision to
PrisonerProvide Notice of
Decision to
Relevant General
Manager

Version 1 31/03/2014

Above business flow diagram is to be considered in conjunction with this Custodial Operations Practice Directive.



Reconsideration or Review of Security Classification and Placement Decisions

Request for Reconsideration or Review of Security Classification Decision

Section 16 of the CSA contains provisions for prisoners to request a reconsideration of a security classification decision. A review of a classification decision may also be requested if:

- Custodial Operations Practice Directives were not followed
- inappropriate or inaccurate information formed the basis of the decision; or
- pertinent or relevant information was not considered.

Requests must be made in writing using Security Classification Reconsideration Request Administrative Form 16 and received by Sentence Management Services within seven days of the prisoner receiving the Information Notice Security Classification Decision.

Request for Reconsideration or Review of Placement Decision

Section 71 of the CSA contains provisions for prisoners to request a reconsideration of a decision made to transfer the prisoner under ss66 or 68 of the CSA, other than as the prisoner's initial placement after admission to a corrective services facility. A review of a placement decision may also be requested if:

- Custodial Operations Practice Directives were not followed
- inappropriate or inaccurate information formed the basis of the transfer decision; or
- family or special circumstances have not adequately been taken into consideration.

In accordance with section 71(5) of the CSA, a prisoner subject to a Criminal Organisation Segregation Order (COSO) is not eligible to request a reconsideration of a transfer decision.

Requests must be made in writing using Transfer Reconsideration Request Administrative Form 17 and received by Sentence Management Services within seven days of the prisoner receiving the Information Notice Placement Decision.

Reopen Original Decision

Reconsideration or review of the security classification and/or placement is to be recorded in the SM-DMR containing the original decision by way of reopening this decision in IOMS. Refer Sentence Management – Decision Making Record Appendix 2.



Confirm or Amend Security Classification and/or Placement Decision

Requests for reconsideration of decisions relating to security classification and/or transfer and/or placement provided for in legislation must be referred to a decision maker who holds an equivalent or more senior position than the original decision maker who increased the prisoner's security classification or approved the transfer or approved placement.

Reviews of decisions on procedural grounds may be referred to the original decision maker to consider the additional information provided by the prisoner, or referred to a decision maker who holds an equivalent or more senior position than the original decision maker.

The decision maker should reconsider or review the decision within a period of 28 days of receipt of the request and should examine all materials taken into account in the original decision and any additional information provided by the prisoner. The decision maker may confirm, amend or cancel the original decision.



Refer Instrument of Delegation of Chief Executive Powers – Department of Justice and Attorney-General (QCS) and Deputy Director-General's Instruction – Conditions for Exercising Sentence Management Delegations.

Notice of Decision on Reconsideration of Security Classification

The decision to confirm or amend a prisoner's security classification is to be recorded in the SM-DMR in IOMS and the Notice of Decision on Reconsideration of Security Classification Administrative Form 18. A copy of the notice is to be attached in IOMS.



SM-DMR



Attachment

Notice of Decision on Transfer Reconsideration

The decision to confirm or amend a prisoner's transfer or placement is to be recorded in the SM-DMR in IOMS and the Notice of Decision on Transfer Reconsideration Administrative Form 19. A copy of the notice is to be attached in IOMS.



SM-DMR



Attachment

Provide Notice of Decision to Prisoner

Prisoners are to be provided with a copy of the decision advising them in writing of the outcome of their request for reconsideration of security classification or reconsideration or review of placement.

Prisoners are to be informed at the time of being given a copy of the reconsideration decision that they may obtain assistance from an appropriate staff member to read and understand the decision. A case note is to be recorded in IOMS advising that the prisoner has been provided a copy and they have been informed they may seek assistance from staff in reading and understanding the decision, and is to include the date that this occurred.



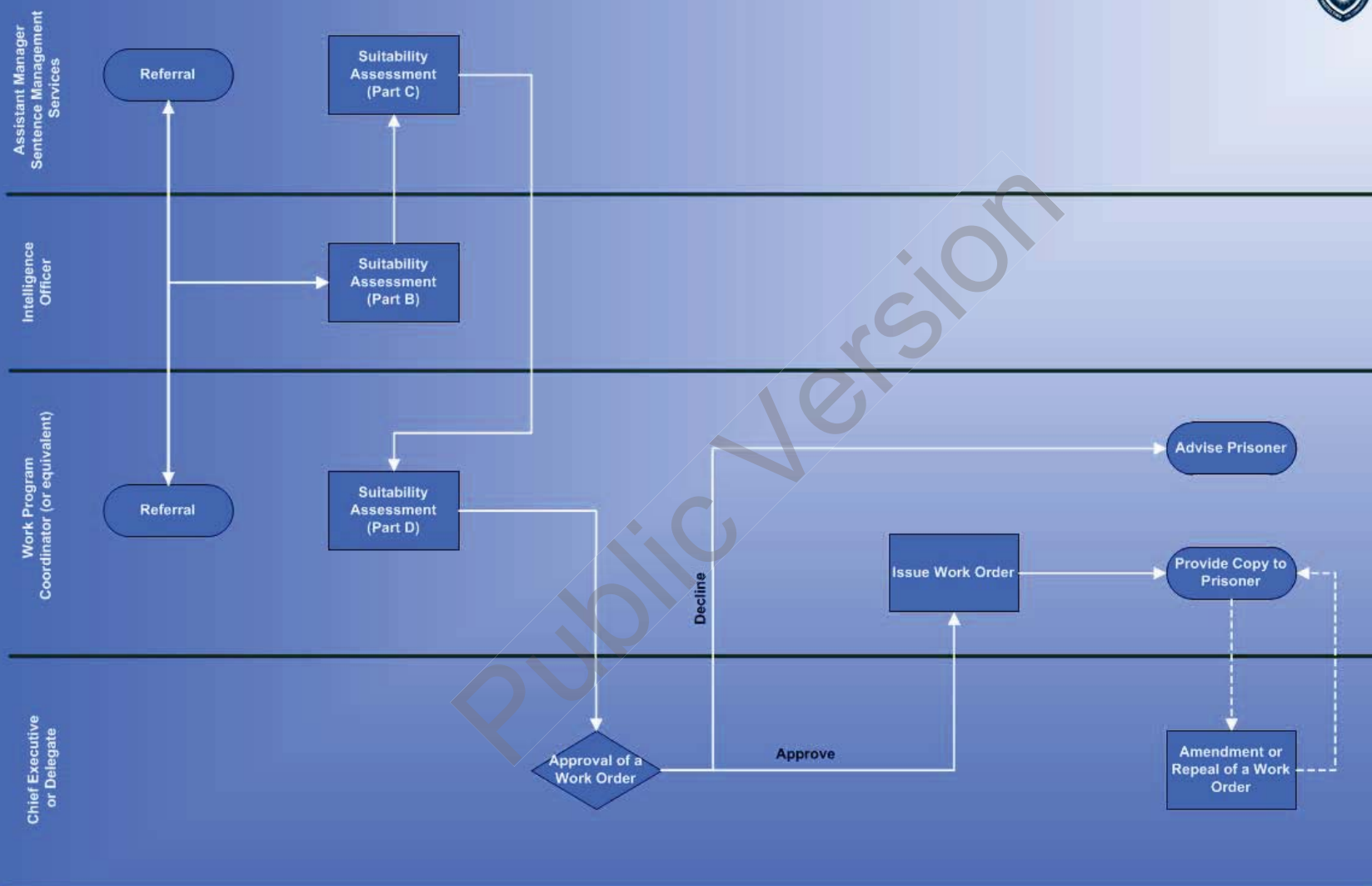
Provide Notice of Decision to Relevant General Manager

The General Manager of the corrective services facility where the prisoner is accommodated must be provided a copy of the notice of decision

Timeframe	Within 28 days of receipt of the request.
Responsible Officer	Assistant Manager, Sentence Management Services.
Approval and Review	Chief Executive or delegate.

Additional Considerations – Involuntary Transfers	<p>All involuntary transfers should proceed irrespective of the status of a request for reconsideration of a placement decision. If the transfer decision is cancelled the prisoner must, subject to vacancies, be returned to a corrective services facility:</p> <ul style="list-style-type: none"> • for an inter-regional transfer – within the sending region within four weeks • for an intra-regional transfer – to the sending facility within one week. <p>Refer Movements and Transfers Practice Directive.</p>
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Work Program – Work Order Assessment and Approval



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Above business flow diagram is to be considered in conjunction with this Custodial Operations Practice Directive.



Work Program – Work Order Assessment and Approval

Work camps provide prisoners opportunities to participate in the Work Program community projects which provide:

- reparation to the community
- development of new work skills
- an opportunity to reintegrate into the community and demonstrate expected community behaviours.

The State's 13 work camps are aligned to local corrective services facilities:

- Brisbane Women's Correctional Centre
 - Warwick (women's)
- Capricornia Correctional Centre
 - Springsure, Clermont and Blackall
- Palen Creek Correctional Centre
 - Mitchell, Charleville, Dirranbandi and St George
- Lotus Glen Correctional Centre
 - Innisfail
- Townsville Correctional Centre
 - Boulia, Julia Creek, Winton and Bowen (women's).

In accordance with CSA s66 a work order must be granted for a prisoner to be transferred to a work camp and the prisoner must perform community service as directed by the Chief Executive or delegate.

A work order may only be granted to a prisoner who is not restricted from transferring to a work camp. Refer CSA s67 and Schedule 1.

For management of work camps refer Accommodation and Case Management Practice Directive.

For community service leaves of absence refer Movements and Transfers Practice Directive.

Referral

Prisoners should be identified for assessment of suitability for the Work Program through each corrective services facility's progression process.

Regular communication between the Work Program Coordinator (or equivalent) and Sentence Management Services should occur to identify prisoners that are not restricted from transferring to a work camp and may be suitable for placement on a work order. A prisoner's suitability should be identified as early as possible to allow for specific skill development that would benefit the community and the prisoner.

Suitability Assessment

Assessment of eligible prisoners is to be conducted by the Work Program Coordinator (or equivalent) with input from the Intelligence Officer and Sentence Management Services using Suitability Assessment – Work Program Administrative Form 20.

Prisoners should transition to a work camp after first having been placed at a low security corrective services facility (excluding Townsville Women's Correctional Centre). However where this is not possible due to operational reasons, a prisoner may still be assessed for a work camp if appropriate. The transition should be linked to the prisoner's progression plan.



Eligibility Criteria	<p>A prisoner may be eligible for progression to a work camp where:</p> <ul style="list-style-type: none"> the prisoner is classified a low security classification the prisoner has not been charged with an offence that has not been dealt with by a court there is no unexecuted warrant relating to the prisoner a deportation or removal or extradition order has not been made against the prisoner an appeal has not been made to a court against the prisoner's conviction or sentence the prisoner has not been convicted of a sexual offence.
Suitability Considerations	<p>The following must be considered before deciding to approve a prisoner for a work order:</p> <ul style="list-style-type: none"> all recommendations of the sentencing court the risk the prisoner may pose to the community including: <ul style="list-style-type: none"> the risk of the prisoner escaping or attempting to escape the risk of physical or psychological harm to a member of the community and the degree of risk the prisoner's security classification. <p>A prisoner should have completed all recommended interventions prior to placement on a work order. Where practical prisoners who otherwise meet eligibility and suitability criteria should be given priority placement for any outstanding intervention programs. Refer Rehabilitation and Education Practice Directive.</p> <p>If an eligible prisoner has a demonstrated pattern of violent offending or escalating severity, justification must be provided if approval for a work order is granted. This must include how the prisoner has mitigated the level of risk to the community to a sufficient level to be placed at a work camp under a reduced level of supervision. Prisoners identified in this category may need to demonstrate suitability through a period of placement at a low security corrective services facility prior to progressing to a work order. Refer CSA s67(2)(c).</p>

Approval of a Work Order

In addition to the requirements of CSA s67 when granting approval for a work order the Chief Executive or delegate must consider whether the prisoner has undertaken the security classification process and is classified low security classification.

The recommendation of the responsible officer and the Chief Executive or delegate's decision must be recorded on the– Work Program Suitability Assessment Administrative Form 20.

Refer Instrument of Delegation of Chief Executive Powers – Department of Justice and Attorney-General (QCS) and Deputy Director-General's Instruction – Conditions for Exercising Sentence Management Delegations.



Issue Work Order

Following a decision by the Chief Executive or delegate to approve a work order the Form 13 – Work Order Approved Form must be issued with any additional conditions the Chief Executive or delegate considers necessary including participation in sporting events and community functions.

Advise Prisoner

The prisoner must be advised of a decision not to grant a work order including reasons for the decision. The date the prisoner was advised is to be entered in a case note in IOMS.



Provide Copy to Prisoner

The conditions stated on the work order and the consequences of non-compliance with the conditions must be explained to the prisoner. The prisoner must sign the work order and the suitability assessment and work order must be attached in IOMS with the originals placed in the Offender File.

The prisoner is to be provided a copy of the work order and advised that they must carry the work order on their person at all times when not under the direct supervision of a corrective services officer. The order must be provided by the prisoner to a corrective services officer or police officer if requested.

A case note must be entered in IOMS to record the date the work order was provided to the prisoner.



Responsible Officer	Work Program Coordinator (or equivalent).
Approval and Review	Chief Executive or delegate

Amendment or Repeal of a Work Order

A work order may be amended to reflect changes in circumstances of a prisoner or changing requirements of a work camp.

A work order can be repealed at any time by the Chief Executive or delegate.

Amendment or repeal of a work order is to be recorded using Form 14 – Order for Amendment/Cancellation of Work Order Approved Form. The order must be attached in IOMS and the original placed in the Offender File.



Refer Instrument of Delegation of Chief Executive Powers – Department of Justice and Attorney-General (QCS) and Deputy Director-General's Instruction – Conditions for Exercising Sentence Management Delegations.

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The Process of Making Security Classification and Transfer Decisions



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Intended Audience

This training package is intended for the reference of all staff (including custodial officers) involved in the security classification and transfer decision making process.

Staff are to incorporate the key principles from this training into their work practices. Staff are to ensure they read and understand the source documents underpinning this training.

Support to assist in your learning can be attained from your manager.



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Training Objectives

To understand:

- The requirements of the Review procedure and the Sentence Management – Decision Making Record Operational Practice Instruction
- The importance of effective communication between staff and prisoners
- The impetus behind this training, being brought through external review processes
- The requirement to incorporate the principles of the training into your work practice



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Training Overview

- Background – Drivers to training development
- Making good decisions
 - Natural Justice and Procedural Fairness
 - Evidence/factors/reasons for decisions
- Agency Policy Positions
 - History of escape, extradition/deportation, violent behaviours, and illicit substances
- Engaging Prisoners
- Integrated Offender Management System (IOMS) Tools



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Training Overview

Continued...

- Decision Making
 - o Purpose of the Sentence Management - Decision Making Record
 - Overview
 - Security Classification
 - Review Dates
 - Transfer
 - Reconsideration
 - Security Classification
 - Transfer
 - Maximum Security Classification
 - o Panel Process
 - Engaging with prisoners
 - Advising prisoners of decisions
 - Provision of Notice and case noting
- Consolidation - Self Tests Scenarios



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Background

Offender Management Reform Project

The OMR project was established in December 2008 and was responsible for:

- development and implementation of new sentence management processes
- ensuring we invest our rehabilitation resources where they will do the prisoner and the community the most good
- establishing agency policy positions on the classification and placement of prisoners
- delivering a revised staffing structure for sentence management which centralised the service



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Background

Continued....

Queensland Ombudsman Investigation

- In 2009 the Queensland Ombudsman conducted an investigation into QCS' security classification and transfer practices of prisoners, this report is titled *Classification and Movement of Prisoners*:

<http://www.ombudsman.qld.gov.au/PublicationsandReports/InvestigativeReports/ClassificationandMovementofPrisonersReport/tabid/359/Default.aspx>

- In July 2009 the Ombudsman released his report, 15 recommendations were made to improve practice
- QCS accepted all of the recommendations
- The majority of these recommendations were addressed through the implementation of the Sentence Management – Decision Making Record Guidelines and a revised Review Procedure on 14 November 2011



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Background

Continued ...

Office of the Chief Inspector Review

- Recommendation 14 of the Ombudsman's Report provided that the Office of the Chief Inspector (OCI) undertake a review to assess the extent of compliance by delegates with Agency procedures and guidelines for the security classification and transfer of prisoners.
- In December 2011 the Office of the Chief Inspector delivered the "Classification and Movement of Prisoners – Compliance Review" report.
- 10 recommendations resulted from this report which were accepted by the Agency. Recommendation 8 related to the development and delivery of this training package.



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Making Good Decisions

Resources

- It is important decision-makers make good administrative decisions.
- Please refer to the Queensland Ombudsman's Good Decision- Making Guide:
http://www.ombudsman.qld.gov.au/Portals/0/docs/Publications/Agency_Resources/Good%20Decision-Making%20Guide.pdf
- Custodial Operations Standard Operating Procedure – Administrative Decision Making Manual
- Review procedure
- Sentence Management Decision Making Record Operational Practice Instruction



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Making Good Decisions Continued...

Natural Justice and Procedural Fairness

- Natural justice requires that when a decision will affect a person's interests, a decision-maker must give that person a reasonable opportunity to be heard before making that decision. Natural justice can also be referred to as procedural fairness.
- A good perspective to take is to consider how you personally would like to be dealt with by a Government Agency when a decision is being made about you. You would like to know what facts or evidence are being considered and you would like to have the opportunity to respond to any negative factors or to add any extra information in support of your case before the decision is made.



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Making Good Decisions

Continued...

An opportunity to be heard requires that within the decision-making process:

- the person be advised of any material to be considered, particularly adverse material against them; and
- be given sufficient time and opportunity to be heard, such as by making submissions in relation to the proposed decision.



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Making Good Decisions

Continued...

Evidence/Factors/Reasons for Decisions

In making classification and/or placement decisions it is important to find and record the facts relied on in making the decision. This is achieved by gathering all relevant information and evidence and then establishing the facts.

The decision maker must then provide meaningful and accurate reasons for the decision, and be written in a manner the prisoner can understand.



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Making Good Decisions

Continued...

What a good decision looks like, What a good decision captures:

- Record the name and position of decision maker
- Provide comment advising the decision maker has the delegation to make the decision
- Record the section/s of legislation the decision is made on
- Details the facts relied on in making the decision
- Provide clear and concise reasons for the decision in a manner the prisoner will understand
- Demonstrate any considerations that must be considered have actually been considered for example the s12(2) factors of the Corrective Services Act 2006
- Detail the documents that have been considered in making the decision
- Ensure the prisoner is advised of their right to seek a reconsideration of the decision made



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Making Good Decisions

Continued...

Further requirements for classification decisions include:

- S15 of the Corrective Services Act 2006:
 - Notice of decision about prisoner's security classification following review: (1) After reviewing a prisoner's security classification, the chief executive must give the prisoner an information notice about the chief executive's decision following the review. (2) If the chief executive increased the prisoner's security classification, the information notice must include a statement that if the prisoner is dissatisfied with the decision, the prisoner may ask the chief executive to reconsider the decision by notice given to the chief executive within 7 days after the information notice is given to the prisoner.
- Security classification decisions are recorded on IOMS from which the information notice detailing the decision and the prisoner's right to reconsideration is generated. This notice is to be provided to the prisoner within two days of the decision being made.
- This notice of decision should also detail the reasons for the decision, and the date the decision takes effect.



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Making Good Decisions

Continued...

What are good reasons for decisions?

- Take a step back and put yourself in the shoes of the particular prisoner. Do you think they would understand the reasons for the decision?
- Be as open and transparent as possible in providing reasons without jeopardising the safety and security of the correctional facility or other people. For example, intelligence information that should remain confidential should not be disclosed in the decision (in this instance it is noted intelligence information influenced the decision, however the information is recorded within a Confidential Information Form). In other instances there is some intelligence information that can be disclosed to the prisoner but this needs to be determined prior to any disclosure being made.



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Agency Position

History of Escape:

Prisoners who have been convicted of escape, attempting to or preparing to escape during the current period of imprisonment will not ordinarily be assigned a security classification lower than high security classification. Prisoners in this category may be accommodated in residential style accommodation where assessed as appropriate.

A lower security rating can only be assigned by the Deputy Commissioner Statewide Operations, Executive Director, Specialist Operations, or General Manager Sentence Management Services



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Agency Position

Continued...

Extradition/Deportation:

In all but exceptional circumstances prisoners subject to extradition or deportation will not be classified lower than high security classification. Prisoners in this category may be accommodated in residential style accommodation where assessed as appropriate.

Staff are to review the prisoner's security classification and placement within the correctional system at any time where a concern regarding escape risk may be elevated.



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Agency Position

Continued...

Violent Behaviour:

For prisoners with frequent instances of violence, progression through the system will occur only after extensive periods of appropriate behaviour have been demonstrated.

In extreme cases, e.g., murder committed in custody, progression beyond high security classification will not occur unless exceptional circumstances exist.



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Agency Position

Continued...



Illicit Substances:

Prisoners who record convictions for drug related offences committed within a correctional centre will not be classified lower than high security classification for a period of 12 months unless exceptional circumstances exist.

This position also applies where assessment or information gathered identifies that a prisoner has a history of, or ongoing involvement with illicit substances (e.g., drug taking, alcohol intake, brewing fermented liquids, drug distribution, etc).



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Engaging Prisoners

It is important prisoners are encouraged to be actively engaged in the offender management process, and appropriate steps should be taken by all involved staff to ensure prisoners understand decisions made regarding their management within the correctional environment and how their behaviour may facilitate or hinder their progression.

There are a number of ways in which prisoners can be encouraged to engage in the process, these are discussed.



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Engaging Prisoners

Continued...

Pre-Interview Process

Staff should always provide prisoners with notice of their upcoming panel regarding their classification, planning and/or placement. This provides the prisoner an opportunity to prepare for their panel.

It is important appropriate preparation is undertaken prior to conducting the panel so that all the facts can be presented to the prisoner.

Where the decision maker is not at the panel, it is necessary for all relevant information to be made available to this person prior to a decision being made.

Sentence management services staff must ensure that any additional resources required to facilitate the panel for prisoners with special needs (e.g. an interpreter) are arranged, thereby giving the prisoner the best possible opportunity to actively partake in the process.



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Engaging Prisoners

Continued...

The Panel

At the commencement of the panel interview staff must introduce themselves by stating their name, their position within the Agency, and their role within the panel.

The prisoner should then be advised of their role within the panel and asked if they have any questions.

It is important the prisoner is informed of the purpose of the panel and is provided an opportunity to respond to information presented, particularly any adverse factors.



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Engaging Prisoners

Continued...

Staff must raise and discuss with the prisoner and document factors that may adversely affect a prisoner's security classification or placement decisions.

It is noted in some circumstances the provision of information to the prisoner which is relevant to the decision/s being made, may prejudice the security or good order of the corrective services facility (for example, intelligence information). In these instances it must be recorded within the SM-DMR that there is information relevant to the decision which cannot be revealed to the prisoner:

The information must then be recorded within a Confidential Information Form (CIF), *refer administrative form – Confidential Information Form*. The completed CIF must be provided to the relevant Regional Manager or Manager, Sentence Management Services, who is responsible for storing the CIF within a secure network drive location. No other copies of the CIF, in print or electronic version, are to be maintained in any other location.

Refer SM-DMR Operational Practice Instruction

<http://intranet/DCS3/pp/ofm/app/ofmappSMDMRguidelines.doc>



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Engaging Prisoners

Continued...

Sentence management services staff must verbally inform the prisoner at the time of the panel that they will be provided with a written notice/s of the decision/s made.

It is important at the panel that a judgement is made regarding the prisoners ability to understand the decision when provided in a written format eg literacy issues, language barriers etc. Further did the prisoner understand the decision/recommendation when it was explained to them? Did they raise any issues or concerns? After making this judgement and if appropriate, ask the prisoner if it is ok for them to receive their written notice of the decision via the internal mail.

During the panel interview, prisoners are also to be verbally informed that assistance can be provided to read and understand the IOMS generated 'Information Notice Security Classification' and 'Notice of Placement Decision' administrative forms where required.

When sentence management services staff provide the prisoner with either of these notices, the prisoner must again be informed that they may obtain help from sentence management services staff to read and understand the form/s and this assistance must be offered at the time.



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On 14 November 2011 a number of offender management and assessment planning tools were retired and no longer able to be created on the Integrated Offender Management System (IOMS)



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Integrated Offender Management System (IOMS) Tools

Continued...

The tools **RETIRED** were:

- Escape Risk Assessment (ERA)
- Education Vocation Needs Assessment (EVNA)
- Security Classification and Placement Assessment (SPA)
- Planning Needs Assessment (PNA)
- Offender Management Plan/Review (OMP/R)
- Parole Board Assessment Report (PBAR)



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Integrated Offender Management System (IOMS) Tools

Continued...

The retired tools were replaced with the NEW tools:

- Sentence Management – Decision Making Record (SMDMR)
- Rehabilitation Needs Assessment (RNA)
- Offender Rehabilitation Plan (ORP)
- Parole Board Report (PBR)



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Integrated Offender Management System (IOMS) Tools

Continued...

The Escape Risk Assessment Tool was retired as the factors relevant to escape are now assessed and captured within the SM-DMR.

The Education and Vocation Needs Assessment was retired as the relevant factors are now assessed in the Rehabilitation Needs Assessment or the Offender Risk Need Inventory – Revised (ORNI-R)



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IOMS Tips

When initiating a new SM-DMR the author will be prompted to 'confirm' or 'amend' the prisoners legal status.

- Please be aware that by making a change to legal status via this tool, the change will not update the legal status for the prisoner in the Sentences and Orders section of IOMS
- The author is required to ensure the prisoner's legal status is correct across both of these sections in IOMS

DMRConfirmLegalStatus - Confirm Legal Status - 4.0.1.00009_Support (1...

The current legal status is as follows. Please confirm it is correct.

Legal Status:

New Legal Status:

Reason for changing Legal Status:
Legal Status changed from [Sentenced] to []

+

Summary	
File Contents	
Summary	
Offender Details	
Offender Diary	
Community Contacts	
Sentences and Orders	
Offender Management	
Accommodation	
Movements	
Breaches Incidents and Contraventions	
Programs/Services/Activities	
Employment	
Community Service	
Medical	
Drug Treatment Programs	
Intelligence	
High-Risk Offender Management Unit	

Summary
Correctional History
Sentence Calculation
Warrants and Offences
Orders and Offences
Legal Status
Attachments



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Purpose of the SMDMR

The SM-DMR is used to:

- Record the evidence, facts, decisions and reasons for decisions regarding a prisoner's security classification and/or placement
- Provide an update on planning
- Record any reconsiderations of the original decision



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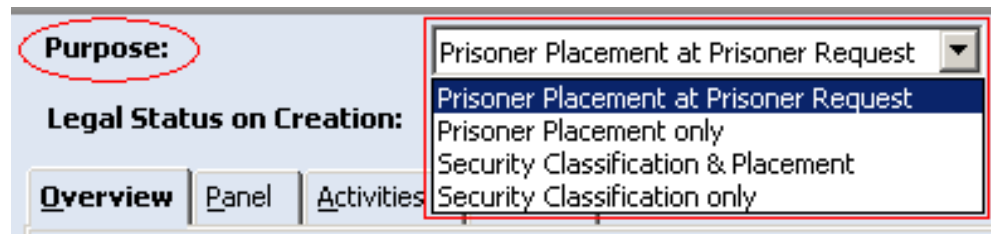
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Purpose of the SMDMR

Continued...

The purpose for which the SM-DMR has been raised must be recorded within the SM-DMR , by selecting one of four options contained within the tool:

- Prisoner placement at the prisoners request;
- Prisoner placement only;
- Security classification and placement; or
- Security classification only



The screenshot shows a web-based form for the SMDMR tool. On the left, there is a section titled 'Purpose:' which is circled in red. Below it is a label 'Legal Status on Creation:'. At the bottom of this section are three tabs: 'Overview' (selected), 'Panel', and 'Activities'. To the right of the 'Purpose:' label is a dropdown menu, also outlined in red. The dropdown menu is open, showing four options: 'Prisoner Placement at Prisoner Request' (selected), 'Prisoner Placement only', 'Security Classification & Placement', and 'Security Classification only'.



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Purpose of the SM-DMR

Continued...

Security Classification:

- All prisoners must be classified into one of the three legislated security classifications of maximum, high or low as prescribed in s12(1) of the Corrective Services Act 2006 (CSA);
 - The decision maker must have regard to each of the factors outlined in s(12)2 of the CSA when determining a prisoner's classification; and
 - A prisoner's security classification must be reviewed at the intervals prescribed by legislation, s(13)1 of the CSA.
- (2) When deciding a prisoner's security classification, the chief executive must have regard to each of the following—
 - (a) the nature of the offence for which the prisoner has been charged or convicted;
 - (b) the risk of the prisoner escaping, or attempting to escape, from custody;
 - (c) the risk of the prisoner committing a further offence and the impact the commission of the further offence is likely to have on the community;
 - (d) the risk the prisoner poses to himself or herself, and other prisoners, staff members and the security of the corrective services facility.



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Purpose of the SMDMR

Continued...

Review Dates

- Review timeframes in relation to classification are calculated from the date of the last decision and in accordance with legislative requirements, being that a review is required either 6 monthly or 12 monthly
- The 'next review date' will be pre-populated by the system when the user approves the SM-DMR in IOMS as:
 - 12 months (minus one day) for high;
 - 6 months (minus one day) for maximum.
- These default dates can be overridden by the user but should not be unless exceptional circumstances exist.
- It is important the review date reflects the legislative date and not a date created and used by staff to commence the security classification review process and to guide workloads.

The screenshot displays the 'Decision' tab of the SMDMR system. It includes fields for 'Current warning flags' (set to 'BOPA - Board Ordered Parole Application'), 'Security classification decision' (a dropdown menu), and 'Decision date' (a date field circled in red). Below these are fields for 'Delegate' and '*Documents considered in reaching this decision:'. Further down is a section for '*Factors considered and reasons for security classification decision:' with a text area. At the bottom, the 'Next review date:' field is circled in red, next to a dropdown menu.



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Purpose of the SMDMR

Continued...

The next review date is also used to facilitate reporting services reports for the purpose of identifying legislative review dates

By missing a legislative review date it will mean the Agency has been non-compliant with legislative requirements

Legislative compliance is not optional



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Purpose of the SMDMR

Continued...

Transfer:

A review of placement is conducted to identify the most appropriate placement within the correctional environment for the management and progression of a prisoner

A prisoner's placement may be reviewed at any time during a prisoner's sentence, either individually or in conjunction with a review of classification. (A review of a prisoners placement no longer occurs at the same time as reviewing the prisoners classification unless there is information to indicate a transfer may be appropriate)

Clear and concise reasons for the decision to transfer or to not transfer the prisoner must be provided



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Purpose of the SMDMR

Continued...

- An investigation conducted by the Office of the Chief Inspector in 2012 regarding an incident in which a prisoner scaled the fence of a workshop yard found there was a lengthy and unexplained delay after the prisoner submitted a request for transfer which likely contributed to the prisoners actions.
- All transfer considerations either initiated by a centre or via prisoner request will be coordinated by Sentence Management Services staff and must be finalised within a reasonable timeframe.
- This process includes the provision of the notice of the outcome to the prisoner. As per s14(2) of the Corrective Services Regulation 2006 (CSR):
 - If a prisoner asks for an order for the prisoner's transfer to be made under s68(1) of the Corrective Services Act 2006 (CSA) and the order is not made, the chief executive must tell the prisoner of the decision.
- As such, it is the responsibility of Sentence Management Services staff to provide prisoners with notice of the outcome of the request and the provision of this advice to the prisoner is to be case noted on IOMS.



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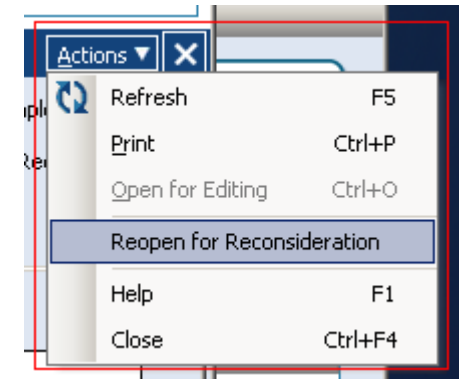
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Purpose of the SMDMR

Continued...

Reconsideration

- The reconsideration decision is recorded within the SMDMR by re-opening the original decision for reconsideration.
- Please refer to IOMS Learning Materials on the intranet for step by step process:
<http://intranet/IOMSHelp/Process/index.htm>
- All reconsiderations are to be provided to the Serious Offenders Unit via email:
seriousoffendersunit@dcs.qld.gov.au



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Purpose of the SMDMR

Continued...

Reconsideration of Security Classification:

A prisoner may request reconsideration of a decision made in relation to the prisoner's classification. As per section 16 of the CSA a prisoner may request their classification be reconsidered if their security classification was increased and they are dissatisfied with the decision.

- In addition to section 16 of the CSA a review of a classification decision may be requested if –
 - offender management procedures were not followed;
 - inappropriate or inaccurate information formed the basis of the decision; or
 - pertinent or relevant information was not considered.

Please refer Review procedure

<http://intranet/dcs3/pp/ofm/pro/ofmproreview.shtml>



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Purpose of the SMDMR

Continued...

Reconsideration of Transfer Decision:

In accordance with s71 of the CSA, a prisoner may request a reconsideration of a decision made to transfer the prisoner under s66 or 68, other than as the prisoner's initial placement after admission to a corrective services facility.

- In addition to s71 a review of a transfer decision may be requested if –
 - The transfer procedures were not followed;
 - Inappropriate or inaccurate information formed the basis of the transfer decision; or
 - Family or special circumstances have not adequately been taken into consideration.

Please refer to Review Procedure

<http://intranet/dcs3/pp/ofm/pro/ofmproreview.shtml>

Please note where a prisoner has requested a reconsideration of classification or placement for reasons outlined in procedure, i.e. is not eligible in accordance with legislation, in many instances the decision will be returned to the original decision maker for review of their decision.



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Purpose of the SMDMR

Continued...

Maximum Security Classification and Section 17 of the Corrective Services Regulation 2006

- A maximum security classification can be assigned when assessment against legislative criteria in section 12(2) has occurred, and the delegate considers that the risks the prisoner poses are so significant that the prisoner cannot be effectively managed at a high security classification:
- Consideration of Section 17 of the Corrective Services Regulation 2006
 - However if the prisoner is known by the chief executive to be:
 - Diagnosed as having a psychiatric disorder, the chief executive must not classify the prisoner as maximum security until:
 - The prisoner has been examined by a doctor; and
 - The chief executive considers the doctor's assessment of the prisoner.
 - Diagnosed as having an intellectual disability, the chief executive must not classify the prisoner as maximum security until:
 - The prisoner has been examined by a psychologist; and
 - The chief executive considers the psychologist's assessment of the prisoner.



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Purpose of the SMDMR

Continued...

- A prisoner can be classified maximum security when assessment against the legislative criteria indicates they pose a risk so significant they cannot effectively be managed at a high security classification. A prisoner can now be classified maximum security but not be issued a maximum security order and accommodated in a maximum security unit
- A prisoner however can not be accommodated within a maximum security unit at Arthur Gorrie Correctional Centre or Brisbane Correctional Centre unless they have been classified maximum security and issued a maximum security order. Prisoners who have been issued a maximum security order and placed in a maximum security unit are managed under strict regimes that may moderate aspects of their behaviour including their interaction with staff, other prisoners and visitors.
 - *Refer custodial operations standard operating procedure - Maximum Security Orders – Assessment, Approval and Review:*
 - <http://intranet/dcs3/pp/ofm/pro/ofmpromso.shtml>



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Advising Prisoners of Decisions

When a decision regarding security classification and/or transfer has been made, this decision **must** be communicated to the prisoner.

The prisoner is to be provided with an Information Notice of Security Classification Decision and/or a Notice of Placement Decision.

Further, the provision of the notice/s to the prisoner **must be recorded as a case note** on IOMS. This is an Ombudsman and Office of the Chief Inspector Recommendation.



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Advising Prisoners of Decisions

Continued...

Security Classification Decisions

- For security classification decisions, the content of the Information Notice is legislatively mandated as per s15(1) of the CSA.
 - The prisoner must be provided an information notice about the decision following the review.
- The CSA defines an information notice as constituting:
 - The decision;
 - The chief executive's reasons for the decision; and
 - The date the decision has effect.
- It is important this information notice records the decision and the reasons for the decision



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Advising Prisoners of Decisions

Continued...

Security Classification Decisions

- For security classification decisions, IOMS generates the 'Information Notice Security Classification' when the decision is completed in the SM-DMR.
- The information notice is populated with information from the "Factors considered and reasons for the security classification decision" section of the decision tab in the SM-DMR.
- The 'Information Notice Security Classification' pre-populates the date the decision takes effect with the date the SM-DMR was approved.
 - In some instances this date will need to be manually updated on the Information Notice (when printed) to reflect the date the delegate made their decision as this date may be different to the date the IOMS process was completed.
 - Please note the ability to change this date within IOMS will be available in IOMS release 4.1 in early 2013



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Advising Prisoners of Decisions

Continued...

Security Classification Decisions

- The 'Information Notice Security Classification' pre-populates the delegate's name with the staff member's name who has approved the security classification decision. Again in some instances, this name will need to be manually updated on the Information Notice (when printed) to record the correct name.
 - IOMS release 4.1 due in early 2013 will provide capacity to update the delegates name within IOMS.
- The prisoner **must** be provided the 'Information Notice Security Classification' within **two days** of the decision being made as agreed by the Agency in response to a recommendation made by the Ombudsman



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Advising Prisoners of Decisions

Continued...

Security Classification Decisions Information Notice Requirements

For security classification decisions it is legislatively mandated as per s15(2) of the CSA that the information notice must advise the prisoner of their right to seek a reconsideration of the original decision if the prisoner's security classification was increased and they are dissatisfied with the decision.

The prisoner must request the reconsideration within 7 days of receiving the information notice.



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Advising Prisoners of Decisions

Continued...

Transfer Decisions

- When a transfer decision is made for a prisoner, staff must provide the prisoner with a copy of the Notice of Placement Decision immediately following the decision.
 - Despite there being no legislative requirement to provide a prisoner with a notice regarding a transfer decision, the Agency did however support the Queensland Ombudsman's recommendation in 2009 to provide the prisoner with a print out of the then *Security Classification and Placement Assessment (SPA)* document immediately after making a placement decision.
- The Notice of Placement Decision is populated with information from the "Factors considered and reasons for placement decision" section of the decision tab in the SM-DMR.



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Advising Prisoners of Decisions

Continued...

Transfer Decisions

- The 'Notice of Placement Decision' will pre-populate with the delegate's name with the person's name who has approved the Transfer Decision. Again in some instances, this will need to be manually updated on the Notice of Placement Decision form to record the correct.
 - IOMS release 4.1 due in early 2013 will provide capacity to update the delegates name within IOMS.
- The Notice of Placement Decision advises the prisoner of their right to reconsideration



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Advising Prisoners of Decisions

Continued...

Right to Reconsideration

It is important to be aware that despite the prisoner's right to seek reconsideration of classification and transfer decisions being recorded on the administrative forms, **this does not negate the panel convenor's responsibility to verbally inform the prisoner at the time of the panel sitting that they will be provided with a written notice of the decision/s made, and their right to seek reconsideration of the decision/s.**



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Now lets put what you have learnt into
practice



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Self Test Scenario 1

Question

Problem:

- Officer Kim received a request for reconsideration of a security classification decision from prisoner Wilson. Attached to the reconsideration was a letter from Prisoners' Legal Service (PLS) which highlighted a large number of issues they had with both the process, by which the security classification assessment was conducted, and the information upon which the decision was based.
- In short, Prisoner Wilson was not happy with the decision that had been made for her to remain as a high security classification or the way in which the panel process had been undertaken.



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Self Test Scenario 1

Continued

Background

- Prisoner Wilson was advised on the day of the panel process, that the panel would be held at 10am to review her security classification and placement.
- During the panel process staff discussed Prisoner Wilson's case with her, asked her to respond to the accuracy or otherwise of the information presented, and lastly the panel briefly discussed their thoughts regarding their recommendation, being that she appeared suitable for a low security classification.



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Self Test Scenario 1

Continued

- As Prisoner Wilson was not aware that the panel process was on that day, she was not prepared to fully present her case, however she was happy that the panel felt that she may become a low security classification. Two weeks passed and Prisoner Wilson still had not heard if a decision had been made.
- Upon enquiring after a result with the correctional centres Sentence Management Team, Prisoner Wilson was informed that the delegate (who was not on the panel) had decided that she was to remain a high security classification. This decision had turned on the fact that Prisoner Wilson had a recent breach and therefore was not suitable to progress to low security classification at this time.



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Self Test Scenario 1

Continued....

- Prisoner Wilson was then given a copy of her security classification assessment outcome by way of the *Information Notice Security Classification*, and upon review of the document she saw that some general documents were cited as source materials, and the reason for the decision for her to remain a high security classification was unclear and seemed to repeat the factors that had already been presented in verbally recommending to her at panel for a low security classification
- Upset, Prisoner Wilson called PLS as she did not understand why she had not been awarded a low security classification based on the discussion that had been had at the time of the panel process

Are you able to identify the shortcomings in the process and decision?



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Self Test Scenario 1

Continued...

Answer:

- Prisoner Wilson was not given advance notice of the panel.
- Prisoner Wilson was not given an information notice within a timely manner, being two days after the decision was made.
- Prisoner Wilson was not afforded procedural fairness as post the panel discussion, additional information that had not been presented to her and therefore was not able to respond to, formed part of the final decision, namely a breach the prisoner had received.
- It was not made clear to the prisoner at the time of the panel which factors that were considered were adverse in nature.
- Regardless of the appropriateness of the decision, due process must be followed to ensure fairness to the prisoner, and this requires natural justice to be afforded to the prisoner.



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Self Test Scenario 2

Continued...

Question Problem

- Prisoner East is due for his scheduled classification and placement review, which given he is currently a high security classification, is due legislatively every 12 months. It is noted the date of his last security classification decision was over 18 months ago.
- Prisoner East is requested to report to the interview room and is advised the panel are ready to see him regarding a review of his classification and placement (the centralised delegate is not able to attend the panel on this day). This is the first time prisoner East has been advised of his pending review.



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Self Test Scenario 2

Continued...

Background

- Prisoner East attends his panel, the panel outline the information they are considering in reviewing his classification including his confirmed use of an illicit substance 8 months prior.
- The panel advise him of their recommendation for him to be reduced to low classification with placement in a low custody facility. Prisoner East provides no response to the panel in relation to the information presented to him as he is very happy that the recommendation is for him to be a low classification in a low security facility.



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Self Test Scenario 2

Continued...

- Given Prisoner East has previously been accommodated within a Maximum Security Unit as a result of his risk of escape the final determination of his classification and placement must be made by the General Manager, Sentence Management Services.
- In considering the matter, the authorised delegate considers information that was not contained within the SM-DMR or presented to prisoner East at his interview.
 - The information considered is significantly weighted in making the final decision of remain high remain in a secure centre, and is listed as reasons for the decision.



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Self Test Scenario 2

Continued...

- The decision was recorded within the SM-DMR and the centre were advised by the Serious Offenders Unit that the SM-DMR had been approved in IOMS.
- The centre were requested to provide a copy of the SM-DMR to the prisoner within two business days and to case note this occurring.
- The SM-DMR was provided to the prisoner seven days later. No case note was entered on IOMS recording the information notice having been provided to prisoner East and the prisoner was not offered assistance to read and understand the notice.

Are you able to identify the shortcomings in the process?



Self Test Scenario 2

Continued...

Answer:

- The classification review for prisoner East is legislatively non compliant as his high security classification was last reviewed in excess of 12 months.
- Prisoner East was not advised of his pending panel interview and as such was not given sufficient time to prepare for the interview.



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Self Test Scenario 2

Continued...

Answer:

- The panel despite acknowledging prisoner East's use of an illicit substance eight months previously recommended he be classified low security and accommodated at a low security facility. This recommendation does not align with the Agency policy position of prisoners who record convictions for drug related offences committed within a correctional centre will not be classified lower than high security classification for a period of 12 months unless exceptional circumstances exist.



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Self Test Scenario 2

Continued...

Answer:

- Prisoner East was not presented with information that was significantly weighted in the decision, so he was not provided an opportunity to respond to this information.
- Prisoner East was not provided an information notice within the specified time frame, being two days for security classification and immediately for placement decisions.
- A case note was not entered onto IOMS advising of the provision of the Information Notice and Notice of Placement Decision.
- When the notices were provided to the prisoner he was not advised of his ability to seek assistance to read and understand the decisions.



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Resources

- **Agency Procedures – Assessment, Review, Planning**
- **Sentence Management Decision Making Operational Practice Instructions**
- **Corrective Services Act 2006**
- **Corrective Services Regulation 2006**
- **Ombudsman's Good Decision-Making Guide**



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