

Australian Capital Territory

Corrections Management (Segregation) Policy 2007*

Notifiable instrument NI2007-472

made under the

Corrections Management Act 2007, section 14(1) (Corrections policies and operating procedures)

1 Name of instrument

This instrument is the *Corrections Management (Segregation) Policy 2007*.

2 Commencement

This instrument commences on the day after it is notified.

3 Policies and operating procedures

Under section 14 of the *Corrections Management Act 2007* (the Act), I make the

SEGREGATION POLICY

in Schedule 1 to this instrument, to facilitate the effective and efficient management of correctional services.

James Ryan
Executive Director
ACT Corrective Services
17 December 2007

*Name amended under Legislation Act, s 60



**Belconnen Remand Centre (BRC)
Symonston Temporary Remand Centre (STRC)
Court Transport Unit (CTU)**



SEGREGATION POLICY

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Purpose

To outline the principles surrounding the use of Part 9.2 of the *Corrections Management Act 2007* to restrict the movement or associations of a prisoner.

Authority

Legislation

Corrections Management Act 2007, sections 14, 15, and part 9.2.

Policy

1 Principles

1.1 This policy refers only to segregation under section 9.2 of the *Corrections Management Act*.

1.1.1 Separate confinement as a result of disciplinary proceedings may be ordered in accordance with the *Discipline Policy and Procedure*.

1.2 Segregation refers to:

- the restriction or denial of the prisoners opportunity to go into, or remain in, a particular part of a correctional centre; and/or
- the restriction or denial of the prisoner to associate with other prisoners.

1.2.1 This may be achieved through the separate confinement of the prisoner or any other measures as deemed appropriate by the Duty Chief.

1.3 Segregation of a prisoner can result from a direction of a Duty Chief, Deputy Superintendent, Superintendent, or following an application by the prisoner.

1.3.1 If a prisoner wishes to apply for segregation, they must complete the *Application for Segregation* form.

- 1.4 The prisoner must be give prompt notice of any decision to segregate them, why the decision was made, its duration, and provision for review.
- 1.5 The Duty Chief must review the direction at least once every 21 days while it remains in force.
 - 1.5.1 During this review, the Duty Chief must assess any ongoing threat and the ability of the segregation to address that threat.
 - 1.5.2 Segregation orders may, following a review every 21 days, remain in place for 90 days.
- 1.6 The Duty Chief may review the segregation at any time based on the Deputy Chiefs own initiative or on the application for review by the prisoner.
- 1.7 Segregation of a prisoner is not to affect their human rights as outlined in the *Human Rights Policy*.
- 1.8 Segregation of a prisoner ends 28 days after it is given if it is deemed as being no longer necessary or prudent, or for a maximum of 90 days if the segregation is considered as being necessary.

2 Purpose of segregation

- 2.1 The Duty Chief may direct that a prisoner be subject to a segregation order where that segregation is reasonable and necessary to protect:
 - the safety of anyone else at a correctional centre;
 - the security or good order at a correctional centre; or
 - the safety of the prisoner.

Segregation orders may also be in place to:

- assess the prisoner's physical or mental health;
 - to protect anyone (including the prisoner) from harm because of the prisoner's physical or mental health; or
 - prevent the spread of disease.
- 2.2 When giving direction under this section, regard must be given to any relevant cultural consideration as well as any likely impact of the segregation upon the health and wellbeing of the prisoner.
 - 2.3 When segregating a prisoner on health grounds, the Duty Chief must have regard to any advice given by a doctor appointed under section 21 of the *Corrections Management Act 2007* (Doctors – health service appointments).

3 Interstate transfer of Segregated prisoners

- 3.1 Any prisoners under segregation directions transferred to or from the ACT are to remain under segregation despite relocation.
- 3.2 Segregation direction continues to apply to the relocated prisoner with any necessary changes required under the law of the new location.
- 3.3 Segregation under this part ends 3 days after the day the prisoner is taken into custody at the correctional centre they have been relocated to.
 - 3.3.1 A segregation order may be initiated by the new location where justifications exist under 2.1.

4 Application for review of segregation

- 4.1 A prisoner may request a review of their segregation by an adjudicator approved by the Superintendent.
- 4.2 A request for review must be made no later than 7 days of receiving notice of segregation.
- 4.3 Upon application, an adjudicator may conduct an inquiry into the Duty Chief's direction or refuse to review the Duty Chief's direction for segregation.
- 4.4 The adjudicator must give the prisoner prompt written notice of the adjudicator's decision. If the adjudicator refuses to review the direction, the written notice must include reasons for refusal.
- 4.5 After reviewing the direction, the adjudicator may:
 - confirm the direction under review;
 - give any direction for the Deputy Chief may make, either by:
 - amending the direction under review; or
 - by setting aside the direction under review and making direction in substitution for the direction set aside.

Forms/Templates

Application for Segregation
Application for Review of Segregation

Related policies and procedures

Prisoner Discipline Policy
Prisoner Discipline Procedure
Human Rights Policy
Medical Treatment Policy
Suicide and Self-Harm Policy
Suicide and Self-Harm Procedure.