

Australian Capital Territory

Corrections Management (Placement and Shared Cell) Policy 2020

Notifiable instrument NI2020-245

made under the

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

1 Name of instrument

This instrument is the *Corrections Management (Placement and Shared Cell) Policy 2020*.

2 Commencement

This instrument commences on the day after its notification day.

3 Policy

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

4 Revocation

This instrument revokes the *Corrections Management (Shared Cell) Policy 2009* [NI 2009-162], *Corrections Management (Protection) Policy 2011* [NI 2011-50].



Jon Peach
Commissioner
ACT Corrective Services
24 April 2020

PLACEMENT & SHARED CELL

POLICY NO. D38

ACT CORRECTIVE SERVICES



ACT
Government

Justice and Community Safety

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1 PURPOSE

ACT Corrective Services (ACTCS) is committed to ensuring that the placement of detainees is undertaken with primary consideration of the safety, vulnerability and needs of individual detainees. Detainees are to be placed in the least restrictive environment appropriate to ensure safety, security and good order in a correctional centre.

ACTCS is committed to ensuring that detainee safety is the primary consideration for cell placement decisions according to available information on risk factors relating to a detainee and their cell occupant.

This policy provides instructions on the management of detainee accommodation placements in a correctional centre.

2 SCOPE

This policy applies to all correctional centres in the ACT, except for the Court Transport Unit.

Where required, the General Manager of a correctional centre will establish operational procedures under this policy.

3 DEFINITIONS

Cottage accommodation

Accommodation featuring individual pods with direct access to communal areas and shared facilities.

Placement

The housing of a detainee in an accommodation unit with due consideration of their security classification, risk and the safety of the detainee and other detainees.

Protection status

The status afforded to detainees who may be at risk from others due to the nature of their offending, or other factors creating a risk to the safety of the detainee. This may result in reasonable restrictions of a detainee's opportunity to go into, or remain in, parts of a correctional centre where necessary to ensure the safety of the detainee.

Shared cell

Any cell that can accommodate more than one (1) detainee.

Upper bunk

The top bed on a bunk bed. Accessed via a ladder from the bottom bed.

4 PRINCIPLES

- 4.1 Detainees are accommodated in accordance with their identified gender.
- 4.2 All detainees are managed in the least restrictive conditions appropriate to maintain community safety and to ensure the safety of the detainee and any other person.
- 4.3 Allocation to shared cells will not be made on the preferences of detainees, however the importance of family and kinship relationships will be considered in accordance with section 7.
- 4.4 Cell placement decisions are made by the Accommodation Area Supervisor or above.
- 4.5 ACTCS will take reasonable steps to prevent a non-smoking detainee from sharing a cell with a detainee who smokes.

5 ACCOMMODATION TYPES

- 5.1 The following types of accommodation units are available in ACT correctional centres:

Type	Characteristics	Criteria
Secure unit	Secure cells within a secure accommodation building confined within a secure perimeter	Any detainee
Cottage	Individual pods with direct access to communal areas and shared facilities	Any detainee except detainees with a Maximum security classification
Transitional Release Centre	Open accommodation outside of the secure perimeter	In accordance with the <i>Transitional Release Policy</i>

- 5.2 Where necessary, detainees may be placed into temporary accommodation in accordance with:
 - a. the *Management of Segregation and Separate Confinement Policy*; or
 - b. the *Management of At-Risk Detainees Policy*.

6 INITIAL PLACEMENT

- 6.1 Detainees will be assessed for immediate placement risks on admission to a correctional centre by review of their *D22.F2: Admissions Pack*.

- 6.2 A detainee may be identified as at immediate risk for factors including, but not limited to:
- a. at-risk status (*Management of At-Risk Detainees Policy*);
 - b. nature of offence; or
 - c. other identifiable risk factors (such as employment prior to custody (for example, police officer)).
- 6.3 Where an immediate risk is identified, the Admissions Supervisor will inform the relevant Area Manager or above and recommend an appropriate accommodation placement for the detainee during induction (*Induction Policy*).
- 6.4 Detainees with immediate placement risks may also be assessed for protection status under section 8.

Placement following induction

- 6.5 A *D38.F1: Placement Assessment* will be completed during induction:
- a. to assess for risks to the detainee being placed in mainstream accommodation; and
 - b. to recommend the appropriate accommodation unit for the detainee following completion of the induction process.
- 6.6 *D38.F1: Placement Assessment* recommendations will be provided to the relevant Area Manager.
- 6.7 In approving an accommodation recommendation, the Area Manager will consider:
- a. detainee status (remand or sentenced);
 - b. the detainee's classification;
 - c. protection status;
 - d. any health condition, including mental health condition;
 - e. disability;
 - f. any information from the Intelligence and Integrity Unit, where available; and
 - g. non-associations.
- 6.8 Once approved, the relevant Accommodation Area Supervisor will allocate the detainee to a cell in accordance section 9.

7 PLACEMENT REVIEWS

- 7.1 A detainee's accommodation placement may be reviewed:

- a. where the detainee's circumstances change;
- b. where information or intelligence is received relating to any risk to or from the detainee;
- c. to ensure security or good order are maintained at a correctional centre;
- d. where the detainee has committed a major breach of discipline or been referred to police for investigation (*Discipline Policy*);
- e. where the detainee's security classification has changed (*Detainee Classification Policy*);
- f. where the detainee's IEP level has changed (*Incentives and Earned Privileges Policy*);
- g. at the request of the detainee; or
- h. for any other reason the Area Manager or above considers appropriate.

7.2 All placement reviews must be documented on a *D38.F1: Placement Assessment*.

7.3 Placement reviews will be undertaken by an Accommodation Area Supervisor or above and the detainee informed of the outcome within two (2) working days.

7.4 Where a new accommodation placement has been approved for a detainee by the Accommodation Area Supervisor or above:

- a. the decision must be recorded on the detainee's electronic record system; and
- b. the detainee allocated to a cell in accordance with section 9.

Family and kinship members

7.5 Where a detainee wishes to request a change of accommodation placement in order to reside with an immediate family or kinship member, they must submit a *Detainee Request Form* including the reason for the request.

7.6 The relevant Area Manager will review all requests under section 7.5 and record the decision on a *D38.F1: Placement Assessment*.

7.7 A detainee will be informed of the outcome of their request within two (2) working days.

8 PROTECTION STATUS

8.1 Protection status may be utilised for a detainee where there is specific information to suggest that there is a credible risk to the safety of the detainee.

8.2 Detainees may be placed on protection status:

- a. according to a written direction of the Senior Director AMC Accommodation or above under section 8.1; or
 - b. where a D38.F2: Application for Protection has been approved.
- 8.3 Where a D38.F2: Application for Protection has been submitted, the Accommodation Area Supervisor will review the application and may consult with the detainee:
 - a. for the names of detainees or other persons referred to in the D38.F2: Application for Protection; or
 - b. for specific circumstances to be provided.
- 8.4 Where a detainee refuses, or is unable, to provide names of relevant detainees to their D38.F2: Application for Protection, the Area Manager will:
 - a. refuse the detainee's application where available information has been reviewed and no credible risks to the safety of the detainee have been identified; and
 - b. consider whether a placement review is required for the detainee.
- 8.5 The Senior Director AMC Accommodation will review all applications provided by the Area Manager and approve or refuse the application.
- 8.6 Detainees will be informed of the outcome of their D38.F2: Application for Protection as soon as practicable.

Review of protection status

- 8.7 Protection status will be reviewed no less than once every six (6) months by the Area Manager to confirm whether a protection placement is required to effectively manage the identified risks to the detainee's safety.
- 8.8 The Area Manager may recommend to the Senior Director AMC Accommodation or above that a detainee's protection status be removed.
- 8.9 In considering a recommendation under section 8.8, the Senior Director AMC Accommodation or above will consider whether:
 - a. the identified risks have been mitigated;
 - b. the safety of the detainee can be effectively managed in a mainstream accommodation placement; and
 - c. a management plan is required to transition the detainee to a mainstream accommodation placement.
- 8.10 Where the Senior Director AMC Accommodation has approved the removal of a detainee's protection status:

- a. the detainee will be informed in writing of the reasons for the decision;
and
 - b. a placement review will be conducted to determine the appropriate accommodation placement for the detainee.
- 8.11 Where a detainee wishes to appeal a decision under section 8.10, they must submit a new *D38.F2: Application for Protection* to the relevant Area Manager including the reasons for reconsideration.
- 8.12 Detainees will remain under protection status until the outcome of their new *D38.F2: Application for Protection* is confirmed.

Detainee revocation of protection status

- 8.13 Detainees may apply to have their protection status revoked by submitting a *D38.F3: Removal from Protection* including the reasons for the removal.
- 8.14 The Senior Director AMC Accommodation will review all applications under section 8.13 and approve or refuse the request.
- 8.15 Detainees will be informed as soon as practicable of the outcome of their application. Where an application has been refused, the detainee will be provided with the reasons for the decision.

9 SHARED CELL

- 9.1 A *D38.F4: Shared Cell Risk Assessment* will be completed for all detainees following admission to a correctional centre when allocating a detainee to a cell.
- 9.2 Information provided by Justice Health Services regarding a detainee's health care needs will be considered under section 9.1.
- 9.3 Where a custodial officer becomes aware of information that may change the risk to or from a detainee's cell placement, they must inform the Accommodation Area Supervisor and record the details on the detainee's electronic record system.
- 9.4 The Accommodation Area Supervisor will complete a new *D38.F4: Shared Cell Assessment* where information has been received under section 9.3.
- 9.5 Information that may require a new *D38.F4: Shared Cell Assessment* includes, but is not limited to:
- a. changes to:
 - a. security classification;
 - b. IEP level;

- c. remand or sentenced status;
 - d. protection status;
 - e. gang affiliations;
 - f. risk alerts; and/or
 - g. disciplinary history.
- b. an act of violence by the detainee, including sexual violence, against another detainee;
 - c. lighting cell fires;
 - d. where the detainee is at risk of harm from or to another detainee;
 - e. information received from the Intelligence and Integrity Unit indicating a credible risk from or to the detainee; or
 - f. where a detainee is on a single cell placement.

10 CELL PLACEMENTS

- 10.1 Detainees will not be allocated to a shared cell until the Accommodation Area Supervisor has reviewed the D38.F4: Shared Cell Risk Assessment and electronic record system for the detainee and any cell occupant in order to identify any risks to the placement.
- 10.2 All cell placement decisions must be recorded on a detainee's electronic record system and include the reasons for the decision.
- 10.3 The Accommodation Area Supervisor will confirm on the current D38.F4: Shared Cell Risk Assessment for both occupants that the form has been reviewed.
- 10.4 Where the Accommodation Area Supervisor is unable to place a detainee in a suitable cell due to risk factors, they must refer the detainee to the relevant Area Manager for reconsideration of their accommodation area placement.

Detainee requests

- 10.5 Detainees may request to share a cell with another detainee by submitting a Detainee Request Form to the Accommodation Area Supervisor.
- 10.6 When considering a request under section 10.5, the Accommodation Area Supervisor will:
 - a. review the electronic record system of both detainees to assess the suitability of their:
 - i. conduct and disciplines;
 - ii. security classification;

- iii. IEP level (*Incentives and Earned Privileges Policy*); and
 - iv. previous shared cell placements, where applicable; and
 - b. request any relevant information from the Intelligence and Integrity Unit where required.
- 10.7 Detainees will be informed of the outcome of any request under section 10.5. Where a request has been denied, reasons may be provided to the detainee.
- 10.8 The relevant Area Manager or above may approve exemptions to section 10.6 in exceptional circumstances including but not limited to:
 - a. where both detainees identify as Aboriginal and Torres Strait Islander; or
 - b. where the shared cell placement would be in the interest of detainee welfare, safety, and security and good order at a correctional centre.

11 UPPER BUNK BED OCCUPANCY

- 11.1 The Accommodation Area Supervisor will review a detainee's electronic record system to confirm whether there are any medical alerts or information that may impact on their suitability to occupy the upper bunk.
- 11.2 The General Manager (GM) will ensure that notices are placed in each accommodation area to inform detainees that:
 - a. detainees must only access the upper bunk from the access ladder;
 - b. both hands must be used when entering or exiting from the upper bunk to ensure appropriate stability;
 - c. the access ladder to the upper bunk must not be used to store or place any items, or for any other purpose;
 - d. only the allocated detainee is permitted to use the upper bunk;
 - e. no jumping from or on the upper bunk is permitted;
 - f. detainees must not use the access ladder when it is wet, and must seek assistance if they are unable to access the bunk bed; and
 - g. to report any defect in a bunk bed to a custodial officer as soon as possible.
- 11.3 Any report of a defect to a bunk bed must be provided to the Director Facilities Management as soon as practicable for investigation.
- 11.4 Where:
 - a. a detainee does not adhere to the requirements under section 11.2; or
 - b. there is an incident or injury arising from use of an upper bunk,

this must be reported in accordance with the Incident Reporting, Notifications and Debriefs Policy.

- 11.5 Where information is received that may impact the detainee's suitability for an upper bunk, is must be immediately reviewed and the detainee allocated to a bottom bunk where necessary.

12 RECORDS

- 12.1 A copy of all records and decisions made under this policy must be stored on a detainee's electronic record system.
- 12.2 A detainee's electronic record system must record all cell allocations, including but not limited to the date and time of allocation and removal.

13 RELATED DOCUMENTS

- A – D38.F1: Placement Assessment
- B – D38.F2: Application for Protection
- C – D38.F3: Removal from Protection
- D- D38.F4: Shared Cell Risk Assessment
- E – D22.F2: Admissions Pack
- F – Detainee Classification Policy
- G – Management of At-Risk Detainees Policy
- H – Management of Segregation and Separate Confinement Policy
- I – Discipline Policy
- J – Incident Reporting, Notifications and Debriefs Policy
- K – Incentives and Earned Privileges Policy



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ACT Corrective Services
24 April 2020

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