

Australian Capital Territory

Corrections Management (Detainee Classification) Operating Procedure 2020

Notifiable instrument NI2020-637

made under the

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

1 Name of instrument

This instrument is the *Corrections Management (Detainee Classification) Operating Procedure 2020*.

2 Commencement

This instrument commences on the day after its notification day.

3 Operating Procedure

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



Jon Peach
Commissioner
ACT Corrective Services
25 September 2020



OPERATING PROCEDURE	Detainee Classification
OPERATING PROCEDURE NO.	D18.1
SCOPE	Alexander Maconochie Centre (AMC)

PURPOSE

To provide instructions to staff that administer classification processes for detainees in the custody of ACT Corrective Services.

Classification is the categorisation of detainees according to the security conditions appropriate in order to manage any risks of escape, security and good order in a correctional centre and public safety risks.

PROCEDURES

1. Initial Classification

- 1.1 An initial classification assessment is to be conducted within five (5) business days of admission to the AMC by the Classification Coordinator.
- 1.2 Any detainee held in custody for less than five (5) days will not require an initial classification assessment.

2. Remand and Sentenced Detainee Point Scoring System for the Classification Assessment

- 2.1 The initial classification will be conducted utilising the *D18.F1: Security Classification Checklist* point scoring system (see the Security Classification checklist table of instructions at Annex A).
- 2.2 The Classification Coordinator conducting the assessment using the *D18.F1: Security Classification Checklist* will total the scores to ascertain the overall score and the corresponding security classification rating.

3. Applying Discretion to the Classification Assessment

- 3.1 The Classification Coordinator may provide additional information with documented evidence that may contribute to a discretionary adjustment to the Director, Sentence Administration. These documents may include the completion of offence specific interventions and programs, Intelligence reports, or evidence of health-related issues that may reduce or increase security risk.
- 3.2 The Director, Sentence Administration will consider the discretionary adjustment and make a recommendation to the General Manager AMC.
- 3.3 Any discretionary adjustment recommended by the Director, Sentence Administration is to be approved or denied by the General Manager AMC or above prior to finalisation of the classification assessment.
- 3.4 The General Manager AMC or above may raise or lower a classification at any time for community safety and security reasons.

3.5 All directions relating to discretionary adjustment must be made in writing and recorded on the *D18.F1: Security Classification Checklist*.

4. Applying Mandatory Overrides to the Classification Assessment

- 4.1 The following mandatory overrides will be applied by the Classification Coordinator.
- Detainees with greater than two (2) years until their earliest release date must not be classified as Minimum 2 (open) (sentenced detainees only).
 - Detainees charged with terrorism offences, or offences relating to the preparation for a terrorist act, must not be classified lower than Medium.
 - Detainees with an active appeal in progress must not be classified lower than medium (note: detainees with an appeal in progress where the sentence is stayed are classified as a remandee for the purpose of this procedure).
 - Where ACTCS records indicate an Immigration hold the detainee must not be classified lower than Minimum 1 (closed) without the approval of the General Manager AMC.
- 4.2 The Deputy Commissioner Custodial Operations or above will provide reasons in writing if they believe it is necessary to remove or apply a mandatory override of the classification assessment.

5. Approval and Record Keeping

- 5.1 The *D18.F1: Security Classification Checklist* along with a list of records, documents and reports used to conduct the assessment will be submitted to the Director, Sentence Administration by the Classification Coordinator for verification and approval.
- 5.2 The Director, Sentence Administration will ensure the approved assessment documentation and any direction to remove mandatory override is placed on the detainee's electronic file.

6. Notification and Distribution of the Classification Assessment

- 6.1 Upon finalisation of the classification assessment, the *D18.F2: Classification Notice* must be provided to the detainee by the Classification Coordinator within two (2) business days and must indicate the next scheduled review date.
- 6.2 The Director, Sentence Administration is responsible for the following:
- notifying the Senior Director, Sentence Management and Senior Director, Accommodation of any classification assessment results by email within two (2) business days
 - updating the detainee's electronic record to reflect the classification result, including a case note and uploading of the *D18.F1: Security Classification Checklist*
 - ensuring details of specific information relevant to either a mandatory override or discretionary adjustment are recorded in the case note
 - maintaining a register of all detainees' classification review dates
 - recording a list of all documents, records and reports used to conduct the assessment on the *D18.F1: Security Classification Checklist* for the purpose of review, and that the list of documents is provided to the Senior Director, Sentence Management should the decision be appealed

- ensuring that should an appeal request be granted, the classification assessment is reapplied within three (3) business days, with consideration to any inappropriate or inaccurate information that was initially included in the assessment or any pertinent information that was not considered
- confirming that the *D18.F2: Classification Notice* is received by the detainee within two (2) days of the assessment
- ensuring detainee classifications are reviewed at the required intervals.

7. Classification Reviews

- 7.1 A classification review for a detainee held on a remand order will be conducted as per the *D18.F1: Security Classification Checklist* at six (6) monthly intervals after the initial classification until the detainee is either sentenced or released.
- 7.2 A classification review for a detainee held on an order of imprisonment will be conducted as per the *D18.F1: Security Classification Checklist* upon sentencing and at six (6) monthly intervals if they have four (4) years or less remaining on their sentence, otherwise every 12 months until the detainee is either released or discharged to remand.

8. Requests for Review of Classification

- 8.1 An unscheduled request for review of classification will be made by submitting a detainee request form or by email to DetaineeClassification@act.gov.au.
- 8.2 An unscheduled classification review may be requested by a detainee, or a Senior Director or above. A detainee may only request an unscheduled classification review once every six (6) months.
- 8.3 A detainee's Sentence Management Officer (SMO) may also request an unscheduled classification review where there has been a significant change in circumstances or behaviour.
- 8.4 The Director, Sentence Administration will ensure unscheduled requests for classification reviews are actioned within five (5) days.

9. Appeal of Classification decision

- 9.1 Detainees can appeal a classification outcome in writing within five (5) days of receiving the *D18.F2: Classification Notice*.
- 9.2 Detainees may appeal the classification decision by submitting a detainee request form or by email to DetaineeClassification@act.gov.au.
- 9.3 Upon receiving the request for appeal, the Director, Sentence Administration will provide the classification assessment and list of supporting documents to the Senior Director, Sentence Management.
- 9.4 The Senior Director, Sentence Management will review the package within two (2) business days of receipt and will consider whether:
- a. inappropriate or inaccurate information was included in the assessment; and/or
 - b. pertinent information has not been applied to the assessment, including the detainee's current sentence and criminal history, any outstanding charges, criminal and custodial history, appeal status, liability for deportation, disciplinary history and other documents held on the detainee's record.

- 9.5 The Senior Director, Sentence Management will determine whether to grant or refuse the appeal.
- 9.6 Where the appeal is refused, the Director, Sentence Management will inform the detainee in writing outlining reasons as to why the appeal was refused.
- 9.7 Where the appeal is granted, the Director, Sentence Administration will ensure the classification assessment is reapplied within three (3) business days.

ACT CORRECTIVE SERVICES

Annex A - Security Classification Checklist Instruction Table

Assessment	Remand	Sentence
<p>1. Age Detainee's age at the date the assessment is undertaken</p>	Apply a score relevant to the detainees age as indicated on the detainee's electronic record and the date of assessment	Apply a score relevant to the detainees age as indicated on the detainee's electronic record and the date of assessment
<p>2. Length of Non-Parole Period Disregard any backdating of sentencing, use the full NPP that has been handed down by the courts.</p>	Do not apply a score	Check the sentence calculation to determine the length of time from the date the sentence commenced to the earliest release date and apply the corresponding score. The NPP can also be calculated by counting the days between the sentence commencement date and the earliest release date. For those that do not have an NPP applied by the court, the length of the NPP is equivalent to the head sentence or the commencement date to the latest release date. Apply the corresponding score.
<p>3. Head Sentence The difference between the Head Sentence and the NPP. Calculate: <u>= Head Sentence – NPP = X years</u></p>	Do not apply a score	Check the sentence calculation to determine the length of time between the earliest release date and the latest release date. The head sentence can also be calculated by counting the days between the earliest release date and the latest release date. For those that do not have an NPP applied by the court, the length of the NPP is equivalent to the head sentence or the commencement date to the latest release date. Apply the corresponding score.
<p>4. Type of Current Sentenced Offence The type of offence is calculated on the severity of the most serious offence for which the detainee is currently sentenced. Use the <u>Annex A – Offence Severity Scale</u> to determine.</p>	Do not apply a score	Using the offence severity scale, determine the type of the most serious offence listed on the current order/s of imprisonment and apply a score.

<p><u>NOTE: Do not score REMAND detainees on this item – refer Item 5.</u></p>		
<p>5. Remanded / Further Charges Further charges are any additional offences the detainee has been Remanded for or has listed for pending court hearings (irrespective of whether bail is granted). Score only the most serious offence. Pending court hearings MUST be taken into account. Use the <u>Annex A – Offence Severity Scale</u> to determine.</p> <p>NOTE: DUAL status detainees should be scored on both items 4 & 5.</p>	<p>Using the offence severity scale, determine the type of the most serious offence listed on the current order/s of remand and apply a score</p>	<p>Using the offence severity scale, determine the type of the most serious offence listed on the current order/s of remand and apply a score</p>
<p>6. Escape History Includes escapes or attempted escapes within the last five (5) years including those as a juvenile and prior to the current imprisonment.</p>	<p>Using the criminal history record and order/s of remand identify any charges of escape or attempted escape in the past five (5) years. Determine whether the escape or attempted escape is from open custody such as absconding from police during arrest, or secure custody such as from within a secure perimeter of a correctional centre and apply a score.</p>	<p>Using the criminal history record and order/s of remand identify any charges of escape or attempted escape in the past five (5) years. Determine whether the escape or attempted escape is from open custody such as absconding from police during arrest or secure custody such as from within a secure perimeter of a correctional centre and apply a score.</p>
<p>7. Criminal History Score the most severe prior conviction within the last 10 years (irrespective of the detainee receiving a sentence of imprisonment).</p>	<p>Using the criminal history record and offence severity scale determine the most serious prior conviction within the past ten (10) years irrespective of the sentence given and apply a score.</p>	<p>Using the criminal history record and offence severity scale determine the most serious prior conviction within the past ten (10) years irrespective of the sentence given and apply a score.</p>
<p>8. History of Violent or Threatening behaviour whilst in ACTCS custody/under supervision</p>	<p>Using ACTCS electronic records review relevant documents such as incident reports, disciplinary reports and case notes to determine if the detainee is the perpetrator of violent or threatening behaviour within</p>	<p>Using ACTCS electronic records review relevant documents such as incident reports, disciplinary reports and case notes to determine if the detainee is the perpetrator of violent or threatening behaviour within</p>

Score the most serious documented incident in the past five (5) years. This should also include threatening/assaulting Community Corrections staff. Positive scores should only be recorded if the detainee was identified as the perpetrator (not the victim).	the past five (5) years and apply a score consistent with whether the matter was referred to police regardless of the outcome.	the past five (5) years and apply a score consistent with whether the matter was referred to police regardless of the outcome.
9. Parole Status Where the detainee has breached current Parole. This does not include Bail breaches.	Review the detainee's electronic file and determine if the detainee on remand has an existing parole order that has not yet been cancelled.	Review the detainee's electronic file and determine if the detainee has returned to custody for a breach of parole and is held on a parole order or has an existing parole order that has not yet been cancelled. Apply the appropriate score.
10. OMCG Membership Where the detainee has a current Intelligence alert on CIS for OMCG involvement	Review the classification assessments on the detainee's electronic record to determine if there is an intel alert or entry indicating Outlaw Motorcycle gang membership or association and apply a score.	Review the classification assessments on the detainee's electronic record to determine if there is an intel alert or entry indicating Outlaw Motorcycle gang membership or association and apply a score.
11. Previous Low Security Placements Score the detainee's security rating at the time of their last release (count terms of sentenced imprisonment only – do not count remand only periods).	Review previous episodes where the detainee was held under sentence. Do not include any episodes where the detainee was held unconvicted awaiting court on a remand order. Determine the previous classification rating on the day of release. A classification of Maximum is equivalent to High, Medium equivalent to Medium and any Minimum classification is equivalent to Low. Apply the corresponding score.	Review previous episodes where the detainee was held under sentence. Do not include any episodes where the detainee was held unconvicted awaiting court on a remand order. Determine the previous classification rating on the day of release. A classification of Maximum is equivalent to High, Medium equivalent to Medium and any Minimum classification is equivalent to Low. Apply the corresponding score.
12. Urinalysis Testing Has the detainee had any Urinalysis Tests done during this custody period? What was the most recent result?	Review results indicated in the detainee's electronic record for the most recent drug test and determine the result as either: Not yet tested; Negative; or Positive. Apply a score.	Review results indicated in the detainee's electronic record for the most recent drug test and determine the result as either: Not yet tested; Negative; or Positive. Apply a score.

RELATED DOCUMENTS AND FORMS

- A – Annex A – Security Classification Checklist Instruction Table
- B – Detainee Classification Policy
- C – D18.F1: Security Classification Checklist
- D – D18.F2: Classification Notice
- E – Induction Policy

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ACT Corrective Services
25 September 2020

Document details

Criteria	Details
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Document owner/approver:	Assistant Commissioner Community Corrections, ACT Corrective Services
Date effective:	The day after the notification date
Review date:	3 years after the notification date
Responsible Officer:	Senior Director Sentence Management
Compliance:	This operating procedure reflects the requirements of the <i>Corrections Management (Policy Framework) Policy 2020</i>

Version Control			
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V1	July-20	First Issued	J West