

Australian Capital Territory

Corrections Management (Detainee Classification) Policy 2020

Notifiable instrument NI2020-638

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) 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 (AMC Detainee Classification) Policy 2012* [NI 2012-299].



Jon Peach
Commissioner
ACT Corrective Services
25 September 2020

DETAINEE CLASSIFICATION

POLICY NO. D18

ACT CORRECTIVE SERVICES



ACT
Government

Justice and Community Safety

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1 PURPOSE

ACT Corrective Services (ACTCS) is committed to ensuring that detainees receive a security classification at the lowest category consistent with managing their continuing custody, the safety of the public, staff and other detainees, and security and good order at a correctional centre.

This policy establishes the classification processes for detainees in the custody of ACTCS.

2 SCOPE

This policy applies to all correctional centres in the ACT.

Where required, the Assistant Commissioner Community Operations will establish operational procedures under this policy.

3 DEFINITIONS

Business day

A day that is not:

- a. Saturday or Sunday; or
- b. a public holiday in the ACT.

Classification

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.

4 PRINCIPLES

- 4.1 Each detainee will receive a security classification in accordance with section 80 of the *Corrections Management Act 2007 (ACT)* to assess the risks:
 - a. the nature of the offences for which the detainee is in custody;
 - b. posed by the detainee if the detainee were to escape;
 - c. of the detainee escaping; and
 - d. posed by the detainee while at a correctional centre.
- 4.2 Classification assessments are objective and applied consistently for all detainees.

- 4.3 Detainees will receive the lowest category consistent with managing any risks to community safety associated with their continuing custody.
- 4.4 Detainees will:
- a. receive a classification within five (5) business days of admission to a correctional centre in accordance with section 72 of the Corrections Management Act 2007 (ACT); and
 - b. have their classification reviewed in accordance with section 6.5:
 - i. to determine whether there has been a change to the risks presented by a detainee; and
 - ii. to ensure that the detainee continues to be managed in accordance with their security classification.
- 4.5 The Senior Director Sentence Management will maintain the Annex A – Offence Severity Scale to include all relevant categories of offences.
- 4.6 Where a detainee is in custody relating to an alleged or proven offence under Commonwealth law, the Senior Director Sentence Management must ensure that the offence is appropriately categorised under the Annex A – Offence Severity Scale for the purposes of classification.
- 4.7 A copy of all records under this policy must be stored on a detainee’s electronic record system.

5 CLASSIFICATION CATEGORIES

- 5.1 Each detainee will be assigned one of the following classification categories:
- **Maximum**
Detainees for whom the highest conditions of security are necessary and who present a high risk to the safety of the community and/or a high risk of escape.
 - **Medium**
Detainees for whom the highest conditions of security are not necessary and who present a moderate risk to the safety of the community in the event of escape.
 - **Minimum 1 (closed)**
Detainees who require low supervision and control within a correctional centre, and who present a low risk to the safety of the community.
 - **Minimum 2 (open)**

Detainees who require low supervision and control within a correctional centre, and who are eligible for consideration to reside in open conditions and to undertake leave from a correctional centre (*Temporary Leave Policy, Transitional Release Program Policy*).

- 5.2 Detainees on remand are not eligible for classification at Minimum 2 (open).
- 5.3 A numeric score will be generated from the application of the classification checklist which will be used to determine a detainee's classification category (*D18.F1: Security Classification Checklist*):

Category	Score
Maximum	55 or higher
Medium	25-54
Minimum 1 (closed)	15-24
Minimum 2 (open)	14 or less

Mandatory overrides

- 5.4 The following mandatory classification score overrides will be applied to all detainees where applicable:
- detainees with greater than two (2) years until their earliest release date must not be classified as Minimum 2 (open)
 - detainees under appeal must not be classified lower than Medium
 - detainees charged or sentenced under terrorism offences, or offences relating to preparation for a terrorist act, must not be classified lower than Medium
 - where ACTCS has been informed that a detainee is liable for consideration under section 501 of the *Migration Act 1958 (Cth)*, the detainee must not be classified lower than Minimum 1 (closed) without the approval of the General Manager (GM) of a correctional centre.
- 5.5 The Deputy Commissioner Custodial Operations has the authority to remove a mandatory override for a detainee and must provide written reasons for the decision.

Discretionary adjustment

- 5.6 Where deemed appropriate for community safety and security reasons, a detainee's security classification may be raised or lowered according to a direction by the GM or above.
- 5.7 All directions under section 5.6 must be made in writing and recorded on the *D18.F1: Security Classification Checklist*.

6 THE CLASSIFICATION PROCESS

- 6.1 The Director Sentence Administration, is responsible for ensuring that:
- a. all detainee classifications are administered as accurately as possible in accordance with this policy; and
 - b. arrangements are made as soon as practicable to obtain copies of the required documents in section 6.2.
- 6.2 Where available, the following documents are essential to ensuring detainee classifications are accurate and verifiable:
- a. the detainee's current sentence and criminal history;
 - b. any outstanding charges;
 - c. criminal and custodial history;
 - d. appeal status;
 - e. liability for deportation; and
 - f. documents on the detainee's electronic record system, including disciplinary history.
- 6.3 Where a D18.F1: Security Classification Checklist has been completed for a detainee, the Director Sentence Administration will ensure that:
- a. the classification is updated on the detainee's electronic record system;
 - b. the Senior Director Sentence Management and Senior Director Accommodation are informed of the outcome; and
 - c. a D18.F2: Classification Notice is provided to the detainee within two (2) business days and include the next date for review in accordance with sections 6.5-6.6. This must be case noted on the detainee's electronic record system.
- 6.4 Where a detainee receives a Maximum classification, the detainee's Sentence Management Officer will meet with the detainee within two (2) business days of notification to answer any questions regarding the categorisation.

Classification review

- 6.5 Detainees on remand will have their classification reviewed:
- a. every six (6) months; and
 - b. on receipt of new remand warrants for more serious charges under the Annex A – Offence Severity Scale.
- 6.6 Sentenced detainees will have their classification reviewed:
- a. when sentenced;

- b. for detainees with four (4) years or less remaining on their sentence, every six (6) months; or
 - c. for detainees with greater than four (4) years remaining on their sentence, once every 12 months.
- 6.7 An unscheduled classification review can be requested by:
 - a. a detainee by submitting a *Detainee Request Form*; or
 - b. a Senior Director or above via email to DetaineeClassification@act.gov.au, and must include the reasons for the request.
- 6.8 A detainee may only request an unscheduled classification review once every six (6) months.
- 6.9 The detainee's Sentence Management Officer or a Senior Director or above may request a classification review for a detainee where there has been a significant change to their circumstances or behaviour, including but not limited to:
 - a. threats to escape custody;
 - b. intelligence indicating a risk to the safety of any person, or to security or good order at a correctional centre;
 - c. a sentence is reduced or increased on appeal;
 - d. a charge is dismissed, or a verdict of not guilty found for a charge;
 - e. a cancellation of visa notice, or advice of liability under section 501 of the *Migration Act 1958 (Cth)*, is received;
 - f. where placement in open conditions creates an unacceptable risk of escape or behaviour that threatens the safety of any person, or security or good order at a correctional centre;
 - g. where the detainee's behaviour indicates an urgent threat to the safety of any person, or to security or good order at a correctional centre;
 - h. where there is cause for concern that a detainee's current classification category is inappropriate; or
 - i. where new information is received that impacts the security considerations for managing a detainee in a correctional centre.

7 APPEALS

- 7.1 Detainees can appeal a classification review outcome in writing within five (5) days of receipt of a *D18.F2: Classification Notice*:

- a. via email to DetaineeClassification@act.gov.au; or
- b. by submitting a *Detainee Request Form*.

7.2 The Senior Director Sentence Management will review all appeal requests within two (2) business days of receipt and advise of the outcomes.

7.3 In considering whether to grant or refuse the request, the Senior Director Sentence Management will consider whether:

- a. inappropriate or inaccurate information was included in the classification review; and
- b. pertinent information, including under section 6.2, was not applied to the classification review.

7.4 Where the Senior Director Sentence Management grants a detainee's appeal request, the Director Sentence Administration will ensure that a classification review is readministered within three (3) business days and the detainee informed of the outcome in accordance with section 6.3.

8 RELATED DOCUMENTS

- A – Detainee Classification Operating Procedure
- B – Annex A – Offence Severity Scale
- C – D18.F1: Security Classification Checklist
- D – D18.F2: Classification Notice
- E – Induction Policy



Jon Peach
Commissioner
ACT Corrective Services
25 September 2020

Document details

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Criteria	Details
Document owner/approver:	Commissioner, ACT Corrective Services
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Compliance with law:	This policy reflects the requirements of the <i>Corrections Management (Policy Framework) Policy 2020</i>
Responsible officer:	Senior Director Sentence Management

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