

Australian Capital Territory

Corrections Management (Incident Reporting, Notifications and Debriefs) Policy 2020

Notifiable instrument NI2020-642

made under the

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

1 Name of instrument

This instrument is the *Corrections Management (Incident Reporting, Notifications and Debriefs) 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 (Incident Reporting, Notifications and Debriefs) Policy 2019* [NI 2019-266].



Jon Peach
Commissioner
ACT Corrective Services
28 September 2020

INCIDENT REPORTING, NOTIFICATIONS AND DEBRIEFS

POLICY NO. A2

ACT CORRECTIVE SERVICES



ACT
Government

Justice and Community Safety

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1 PURPOSE

This policy establishes clear guidelines and obligations for the reporting of incidents and associated notifications. It is imperative that incidents are reported transparently, to the appropriate authority and in a timely manner to ensure that confidence is maintained in ACT Corrective Services (ACTCS).

This policy also establishes clear requirements for post incident management, including appropriate notification to next of kin and debrief processes.

2 SCOPE

This policy applies to ACTCS staff and contracted service providers.

Divisional Executives will establish documented procedures to ensure their respective business units meet and adhere to this policy.

3 DEFINITIONS

Actual bodily harm

As defined in section 24 of the *Crimes Act 1900 (ACT)*.

Relevant manager

The following manager for each division under section 5.1:

- Custodial Operations – Duty Manager
- Community Corrections – Senior Director Community Operations
- Corporate Services and Office of the Commissioner – Director, Office of the Commissioner
- Operational Support – Executive Branch Manager Operational Support.

Business day

A day that is not:

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

Grievous bodily harm

As defined in *Crimes Act 1900 (ACT)* to include any permanent or serious disfiguring of a person, and for a pregnant woman, loss of or serious harm to the pregnancy other than in the course of a medical procedure.

Incident

An incident is an event that may cause a threat to the personal safety of staff, clients or others and/or presents a threat to the security of a correctional centre or the safety of the community.

Notifiable Incidents

An actual or alleged event listed under *Annex A - Notifiable Incident Categories*, including incidents in which:

- the safety of the community is jeopardised
- staff or clients are at or under significant risk
- serious injury or a death of any person has occurred on ACTCS property
- a serious security breach occurs
- any incident that may generate significant public or media scrutiny.

4 PRINCIPLES

- 4.1 ACTCS will ensure that detainees are offered and able to access supports following an incident.

5 NOTIFICATION OF ALL INCIDENTS

- 5.1 All incidents should be brought to the immediate attention of the relevant manager for their consideration:
- Custodial Operations – Duty Manager
 - Community Corrections – Senior Director Community Operations
 - Corporate Services and Office of the Commissioner – Director, Office of the Commissioner
 - Operational Support – Executive Branch Manager Operational Support.
- 5.2 Notification must be made either verbally and/or by email in accordance with *Annex A - Notifiable Incident Categories*.
- 5.1 The Commissioner must be notified by the relevant manager under section 5.1 within 60 minutes of the conclusion of the incident, or as soon as is practicable in the event of an ongoing situation, and in accordance with the *Annex A - Notifiable Incident Categories*.

6 MINIMUM INCIDENT REPORTING REQUIREMENTS

- 6.1 Incident reporting is essential to ACTCS operations and must occur following any incident except for use of force incidents, in which case the staff member must complete reports under the *Use of Force and Restraints Policy*.
- 6.2 An *A2.F1: Incident Report Form* must be completed following any event that:
- a. has jeopardised the safety of a person in the community;
 - b. has jeopardised the safety of staff or any other person in our workplace;
 - c. has jeopardised the good order and security of a custodial facility;
 - d. has affected the normal or routine operation of a custodial facility;
- and/or
- e. is related to a breach of discipline according to the *Discipline Policy*.
- 6.3 The *A2.F1: Incident Report Form* must be stored in the relevant electronic record system and hard-copy folder, and a copy sent to the Intelligence and Integrity Unit via email to ACTCS-Intelligence@act.gov.au.
- 6.4 All staff (including ACTCS employees and contractors conducting duties on behalf of ACTCS) who were involved in, or witnessed, an incident must complete an *A2.F1: Incident Report Form*.
- 6.5 All reports must be clear, concise, factual and completed as soon as practicable once the incident is concluded, and in all instances other than where a staff member is required to leave the premises urgently, prior to the end of the day's duty period.
- 6.6 Staff will use the 5WH approach to complete the *A2.F1: Incident Report Form* as follows:
- When – the date and time of the incident
 - Where – the location of the incident
 - Who – who was involved and who was present, including the author's name, role and involvement in the incident. This should include all known witnesses.
 - What – what occurred in sequence
 - Why – if known, the trigger for the event
 - How – how was the incident resolved or controlled.
- 6.7 Incident reports must be reviewed and quality assured by the relevant manager by close of business on the same day.

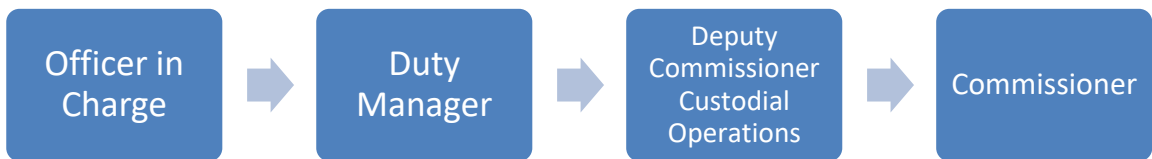
- 6.8 In accordance with the Annex A - Notifiable Incident Categories, the relevant manager will:
- a. ensure that all required reports have been received;
 - b. ensure that any immediate concerns have been addressed; and
 - c. complete an A2.F2: Incident Summary Form where required and ensure all associated reports are provided to #ACTCSoperationalcompliance@act.gov.au.

7 NOTIFIABLE INCIDENTS

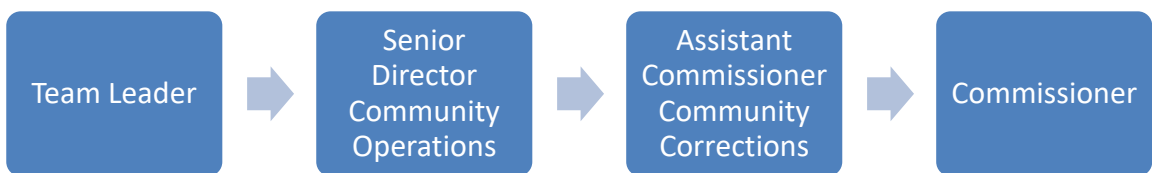
Verbal Notifications

- 7.1 In accordance with the Annex A - Notifiable Incident Categories, staff members must verbally notify the responsible officers as soon as possible after any notifiable incident using the following chain of command:

Custodial Operations



Community



Corporate, Office of the Commissioner



Operational Support



- 7.2 Where contact cannot be made immediately on the first attempt, the notification must be escalated to the next level without delay.

Written notifications

- 7.3 In accordance with the *Annex A - Notifiable Incident Categories*, the relevant manager must email a brief factual outline of a notifiable incident to #ACTCSincident@act.gov.au within 60 minutes of the conclusion of the incident, or as soon as is practicable in the event of an ongoing situation.
- 7.4 The email must be earmarked as urgent and include the words ‘Early Incident Notification’ in the subject line.
- 7.5 The Quality Assurance team will maintain a register of all notifiable incidents and post incident actions, including debriefs.

External notifications

- 7.6 Where police attendance is required, the relevant manager must contact ACT Policing as soon as possible to request attendance. The relevant manager must then notify the Director, Intelligence and Integrity Unit, by email to ACTCS-Intelligence@act.gov.au.
- 7.7 The Director, Intelligence and Integrity Unit, will maintain a register of all referrals to ACT Policing, including the outcomes.
- 7.8 Where necessary, the Commissioner will determine the requirement for external notifications including, but not limited to:
- a. ACT Insurance Agency;
 - b. Australian Institute of Criminology;
 - c. WorkSafe ACT;
 - d. JACS Executive;
 - e. JACS Media;
 - f. Minister for Corrections;
 - g. Inspector of Correctional Services; or
 - h. ACT Health.

8 NOTIFICATION TO POLICE

- 8.1 Divisional Executives are responsible for ensuring that ACT Policing are immediately notified of any serious incident, including but not limited to:
- a. a death in custody;
 - b. all assaults against a detainee, staff member or person in a correctional centre, including all sexual assaults and alleged assaults;
 - c. any bomb threat; and
 - d. active concerted indiscipline or detainee disturbances.
- 8.2 For notifications under section 8.1, the Divisional Executive will arrange for the senior responding police officer to receive a briefing immediately on arrival at the facility.
- 8.3 The relevant Divisional Executive will ensure that the scene of any incident under section 8.1 is preserved in accordance with the Management of Evidence Operating Procedure.
- 8.4 Divisional Executives can exercise discretion to refer minor incidents to ACT Policing where necessary and in accordance with local risk assessment procedures.
- 8.5 For all incidents managed under the ACTCS Emergency Management Framework, the Incident Controller is responsible for notifying ACT Policing in accordance with section 8.1.
- 8.6 For any notification under section 8.1, the Director, Intelligence and Integrity Unit, will ensure that the following information is provided to ACT Policing within 48 hours of a request:
- a. CCTV footage related to the incident;
 - b. all relevant reports under this policy;
 - c. details of all staff members involved or witness to the incident;
 - d. details of the victim and any victim safety concerns;
 - e. relevant security concerns; and
 - f. any relevant log, records or other documents.

Illicit substances

- 8.7 The Director, Intelligence and Integrity Unit, will notify ACT Policing of incidents where a suspected illicit substance is located in an ACTCS facility, including syringes containing any substance.

9 DETAINEE NEXT OF KIN NOTIFICATION

- 9.1 The Officer-in-Charge of a correctional centre is responsible for notifying a detainee's next of kin, as soon as practicable:
- a. where the detainee has experienced a serious injury or illness and been admitted to a health facility; or
 - b. according to a direction of the Duty Manager or above based on their assessment of the severity of the injury or illness.
- 9.2 Under section 9.1, a detainee may decline consent for next of kin to be contacted, however this will occur in all instances in which detainee confirmation cannot be obtained or where the detainee is incapacitated.
- 9.3 Where available and to do so would not cause an unnecessary delay, notification to the next of kin of Aboriginal and Torres Strait Islander detainees will be made by the Indigenous Liaison Officer.
- 9.4 Where a detainee does not have a nominated next of kin, the General Manager of the correctional centre will ensure that:
- a. for detainees who are foreign nationals, the relevant embassy or consulate is notified; or
 - b. where a detainee is identified as being under the care of the Public Advocate, the Public Advocate is notified,
- as soon as practicable.
- 9.5 All attempted and completed notifications to a detainee's next of kin must be recorded on the detainee's electronic record system, *A2.F2: Incident Summary Form*, and include the name of the attempting officer and time.

10 DEATH IN CUSTODY NOTIFICATIONS

- 10.1 In the event of a death in custody, the Officer-in-Charge must ensure ACT Policing are notified as soon as possible and for all instances within 30 minutes of a death being confirmed by a Canberra Health Services medical practitioner.
- 10.2 ACT Policing have primary responsibility for notifications to next of kin for non-Aboriginal and Torres Strait Islander detainee deaths in custody.
- 10.3 The ACT Coroners Court have primary responsibility for notifications to next of kin of Aboriginal and Torres Strait Islander detainee deaths in custody. Where the ACT Coroners Court does not have a suitably qualified officer available, an ACT Policing Coroners Officer will perform this function.

- 10.4 ACTCS will ensure that the Aboriginal Legal Service NSW/ACT is immediately notified of an Aboriginal and Torres Strait Islander death in custody, in consultation with ACT Policing or the ACT Coroners Court as necessary.
- 10.5 The Indigenous Liaison Officer may attend notification of next of kin in support of the ACT Coroners Court or ACT Policing.
- 10.6 Where possible and in consultation with ACT Policing, a senior ACTCS staff member will attend the notification of a next of kin in support of the ACT Coroners Court or ACT Policing.
- 10.7 If there is no next of kin listed for the detainee and ACTCS are unable to identify another relation or friend of the detainee for ACT Policing to notify, the Deputy Commissioner Custodial Operations or delegate will notify the Public Trustee of the ACT.

11 INSPECTOR OF CORRECTIONAL SERVICES

- 11.1 The Commissioner must report a critical incident to the Inspector of Correctional Services as soon as practicable in accordance with section 17 of the *Inspector of Correctional Services Act 2017 (ACT)*.
- 11.2 Under section 17(2) of the *Inspector of Correctional Services Act 2017 (ACT)*, a critical incident is any incident that involves:
 - a. the death of a person;
 - b. a person's life being endangered;
 - c. an escape from custody;
 - d. a person being taken hostage;
 - e. a riot that results in significant disruption to a centre or service;
 - f. a fire that results in significant property damage;
 - g. an assault or use of force that results in a person being admitted to a hospital; or
 - h. any other incident identified as a critical incident by a relevant Minister or relevant director-general.
- 11.3 The Inspector of Correctional Services can review a critical incident on the Inspector's own initiative or as requested by a relevant Minister or relevant Director-General in accordance with section 18(1)(c) of the *Inspector of Correctional Services Act 2017 (ACT)*.

12 MINISTERIAL BRIEFING NOTE

- 12.1 The Director, Office of the Commissioner is responsible for preparing ministerial briefing notes as requested by the Commissioner.
- 12.2 The Director, Office of the Commissioner will ensure that all briefing notes are quality assured for:
- objectivity
 - transparency
 - accuracy of fact
 - accountability
 - adequacy and sufficiency of information.
- 12.3 Incident-related ministerial briefings will be finalised no later than by close of the next business day following the incident. It is acknowledged that further briefings may be required.

13 POST INCIDENT MANAGEMENT

- 13.1 Incidents can often be a stressful experience for both staff and detainees. Divisional Executives are responsible for ensuring that appropriate supports are in place for staff, detainees and offenders to access as required.
- 13.2 Where practical, staff members involved in an incident will be provided the opportunity to complete the remainder of their duty period in a different location to where the incident occurred.
- 13.3 In the event of a notifiable incident, or any other incident as considered appropriate by the relevant manager, the Staff Peer Support Team will be informed.
- 13.4 The relevant manager is responsible for ensuring that all relevant reports are completed prior to staff leaving the workplace at the end of their shift, including RiskMan notifications where required.

14 POST INCIDENT DEBRIEFS

- 14.1 A post incident debrief is a structured discussion or review of an incident to identify any learnings and to check on the welfare of those involved.
- 14.2 Debriefing will be required for most incidents. Debriefs are 'hot' and/or formal.
- 14.3 All debriefs will include the following:
- a. concerns raised;

- b. a reminder to staff of their ability to access the Staff Peer Support or Employee Assistance Program; and
- c. identification and referral of any additional persons who may require support (including detainees, visitors or non-custodial staff).

14.4 In all debriefs, care should be taken so as to ensure that future reviews or investigations are not compromised. Where information is raised that should be referred for investigation, this should be documented, provided to Commissioner, and not explored further.

15 HOT DEBRIEFS

15.1 A hot debrief will occur following the response to all incidents:

- a. where there is a physical injury to a staff member in a custodial or community corrections setting;
- b. suicide attempt or death in custody;
- c. detainee assault on staff;
- d. detainee on detainee assault;
- e. any event that would reasonably be expected to traumatise or adversely impact staff wellbeing; and
- f. any event that presents a significant threat or risk to staff members.

15.2 A hot debrief:

- a. will be chaired by the relevant manager, as determined by the Divisional Executive, or in accordance with sections 15.4-15.5;
- b. will occur in the immediate aftermath of the incident whilst emotions and reactions are still high, and focus on:
 - i. staff support, wellbeing and reassurance; and
 - ii. establishing whether any immediate risks to safety and security are evident; and
- c. should include all staff involved in the incident. Staff who wish to attend but are unable should receive follow-up contact either as a group or individually.

15.3 The relevant manager must complete a *A2.F3: Hot Debrief Report* and email to Quality Assurance via #ACTCSoperationalcompliance@act.gov.au immediately after the hot debrief concludes. This should occur prior to Divisional Executive signing.

Custodial Operations hot debriefs

- 15.4 Where a hot debrief is required in a correctional centre, it will be chaired by the relevant Area Manager, or Officer-in-Charge in their absence.
- 15.5 Where the Area Manager or Officer-in-Charge have been involved in the incident, they are responsible for informing the Duty Manager that an alternative chair is required for the hot debrief to occur.

16 FORMAL DEBRIEF

- 16.1 A formal debrief is a structured process following an incident that is intended to offer staff the opportunity to work through the incident chronologically, identify key issues for learnings to mitigate recurrence and to assist in addressing operational or staff wellbeing concerns.
- 16.2 A formal debrief will occur where there has been a:
 - a. serious assault;
 - b. death in custody;
 - c. death of a staff member in the workplace;
 - d. escape;
 - e. act of concerted ill-discipline; and
 - f. hostage situation.
- 16.3 Formal debriefs for incidents under section 16.2 will be chaired by the Commissioner or appropriate Divisional Executive and should occur within three to seven days of the incident when staff have had sufficient time to process the incident. Where this cannot be achieved, a date should be confirmed for the debrief and the reason for the delay provided to #ACTCSoperationalcompliance@act.gov.au.
- 16.4 Staff members may also request a formal debrief for an incident where they believe there are unresolved issues, or those requiring further consideration.
- 16.5 For incidents not listed in section 16.2 or where requested under section 16.4, the Commissioner or Divisional Executives may request a formal debrief at their discretion to be chaired by a Senior Director or above.

- 16.6 The chair must complete a *A2.F4: Formal Debrief Report* and email to Quality Assurance via #ACTCSoperationalcompliance@act.gov.au within two (2) business days.
- 16.7 The Quality Assurance team will:
- a. review all formal debriefs;
 - b. maintain a 'lessons learned' register; and
 - c. ensure that any actions are actioned, implemented and reported to the Executive Governance Committee.

17 REPORTING OF SUSPECTED MISCONDUCT AND/OR POTENTIAL CRIMINAL ACTIVITY BY STAFF

- 17.1 ACTCS expects all staff to uphold the highest standards of ethical and professional conduct. This requires all staff to report any incident relating to suspected or actual staff misconduct or potential criminal activity, whether on duty or off duty, to the Intelligence and Integrity Unit as soon as practicable after a staff member becomes aware of the incident.
- 17.2 A failure to report staff misconduct can constitute misconduct and lead to the matter being referred for investigation.
- 17.3 Suspected misconduct or potential criminal activity involves breaches of the *ACTPS Code of Ethics* and *Ethical Conduct and Dress Standards for Staff Policy* and includes, but is not limited to:
- Corruption – falsification of records, trafficking and fraud
 - Misuse of official information – unauthorised access and release of information
 - Misuse of resources – vehicles, emails, credit cards
 - Neglect of duty – failure to report an incident, compromise security, fitness to work
 - Abuse of authority – threatening behaviour towards detainees or offenders, intimidation and discrimination
 - Assaults – sexual, indecent, misuse of force
 - Conflicts of interest – improper associations, secondary employment, gifts
 - Establishment of inappropriate relationships – between staff and detainees or offenders

- Inappropriate personal behaviour – towards detainees or offenders, other staff and others
 - Arrested or charged for any criminal activity – e.g. drink driving, assault.
- 17.4 Staff can report suspected or actual staff misconduct or potential criminal activity by:
- a. using the *Integrity Reporting Tool* on Sharepoint; or
 - b. contacting the Director, Intelligence and Integrity Unit, or Commissioner directly.
- 17.5 Only the Commissioner and Intelligence and Integrity Unit are authorised to access reports made via the *Integrity Reporting Tool*.

18 SECURITY INFORMATION REPORTS

- 18.1 *Security Information Reports* assist in:
- a. the prevention and detection of crime;
 - b. monitoring good order, control and security including the reduction of violence, contraband and self-harm; and
 - c. the development of strategies to counteract threats to community safety, the security of ACTCS facilities and possibly national interests.
- 18.2 *Security Information Reports* are processed by the Intelligence and Integrity Unit and not provided to line managers unless as required to ensure the safety, security and good order of correctional centres and workplaces.
- 18.3 Staff are required to use *Security Information Reports* to report observations, associations and information that could present a risk to ACTCS, community safety or the safety of any person. Staff can make a report without any incident having occurred.
- 18.4 Staff must report any abnormal or out of place activity within their work environment.
- 18.5 *Security Information Reports* must be timely, factual, transparent and as detailed as possible to permit further investigation as necessary.
- 18.6 *Security Information Reports* provide for a proactive response to potential threats or incidents. There is a direct correlation between proactive intervention and the number of incidents which occur.
- 18.7 Staff can access a *Security Information Report* using the 'Intelligence Reporting' function on Sharepoint.

19 RELATED DOCUMENTS

- A – Annex A - Notifiable Incident Categories
- B – A2.F1: Incident Report Form
- C – A2.F2: Incident Summary Form
- D – A2.F3: Hot Debrief Report
- E – A2.F4: Formal Debrief Report
- F – Incident Reporting Operating Procedure
- G – Incident Response and Reporting Community Instruction
- H – Security Information Report
- I – Integrity Reporting Tool
- J – Use of Force and Restraints Policy
- K – Ethical Conduct and Dress Standards Policy
- L – ACT Public Service Code of Ethics



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Commissioner
ACT Corrective Services
28 September 2020

Document details

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Document owner/approver:	Commissioner, ACT Corrective Services
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Responsible officer:	Commissioner

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Compliance:	This policy reflects the requirements of the <i>Corrections Management (Policy Framework) Policy 2020</i>

Version Control			
Version no.	Date	Description	Author
V5	July-20	Review	L Kazak
V4	February-19	Update	L Kazak
V3	September-18	Update	A Campbell
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