

Australian Capital Territory

Corrections Management (Placement and Shared Cell) Operating Procedure 2022

Notifiable instrument NI2022–505

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) Operating Procedure 2022*.

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 corrections services.

Ray Johnson ^{APM}
Commissioner
ACT Corrective Services
7 October 2022



OPERATING PROCEDURE	Placement and Shared Cell Operating Procedure
OPERATING PROCEDURE NO.	D38.1
SCOPE	Alexander Maconochie Centre

STATEMENT OF PURPOSE

To provide instructions to correctional staff how to make the initial placement decision and subsequent placement decisions.

PROCEDURES

1. Initial Placement

- 1.1. As part of the admissions process, admissions staff will assess detainees for any immediate placement risks on admission to a correctional centre by review of the detainee's D22.F2: Admissions Pack (Admission Policy), health assessment and mental health assessment.
- 1.2. Admissions officers may identify immediate risk factors in detainees including, but not limited to:
 - a. risks from suicide or self-harm (Detainees at Risk of Suicide or Self-harm Policy)
 - b. disability
 - c. information in file notes from the Australian Federal Police
 - d. nature of offence
 - e. other identifiable risk factors (such as employment prior to custody, known gang affiliations, etc.).
- 1.3. Where an immediate risk is identified, the Admissions Supervisor (CO2) will inform the relevant Area Manager (CO3) or above and recommend an appropriate accommodation placement for the detainee during induction (Admission and Induction Policy).
- 1.4. Admissions officers must also assess detainees with immediate placement risks for protection status under section 7 from the information available.

2. Placement following induction

- 2.1. The Area Supervisor (CO2) will complete a D38.F1: Placement Assessment during induction:
 - a. to assess for risks to the detainee being placed in mainstream accommodation, including the risks of sharing a cell and sharing common areas with other detainees; and
 - b. to recommend the appropriate accommodation unit for the detainee following completion of the induction process.
- 2.2. In completing a D38.F1: Placement Assessment, the Area Supervisor (CO2) must consider:
 - a. the detainee's classification

- b. protection status
 - c. sentenced or remand status
 - d. Aboriginal and/or Torres Strait Islander status and relevant cultural and kinship considerations
 - e. recommendations in health and mental health assessments
 - f. disability
 - g. any information from the Intelligence Unit, where available
 - h. previous custody experience
 - i. non-associations, and
 - j. the safety, security and good order of the correctional centre.
- 2.3. Once completed, the Area Manager (CO3) must approve the recommendation and the relevant Accommodation Area Supervisor (CO2) will allocate the detainee to a cell.

3. Cell Placements

- 3.1. Detainees will not be allocated to a shared cell until the Accommodation Area Supervisor (CO2) has reviewed the D38.F1: Placement Assessment and electronic record for the detainee and any other cell occupant to identify any risks to the placement.
- 3.2. The Accommodation Area Supervisor (CO2) will confirm on the current D38.F1: Placement Assessment for the detainee, or in the case of a shared cell both occupants, that the form has been reviewed.
- 3.3. Where the Accommodation Area Supervisor (CO2) is unable to place a detainee in a suitable cell due to risk factors, they must refer the detainee to the relevant Area Manager (CO3) for reconsideration of their accommodation area placement.
- 3.4. Correctional staff must record all cell placement decisions on a detainee's electronic record and include the reasons for the decision.

4. Detainee requests

- 4.1. Detainees may request to share a cell with another detainee by submitting a Detainee Request Form to the Accommodation Area Supervisor (CO2).
- 4.2. When considering a detainee request, the Accommodation Area Supervisor (CO2) will:
- a. review the current D38.F1: Placement Assessment and electronic record of both detainees to assess the suitability of the shared cell placement, including:
 - i. conduct and disciplines
 - ii. security classification
 - iii. IEP level (Incentives and Earned Privileges Policy)
 - iv. protection status
 - v. remand or sentenced status
 - vi. Aboriginal and/or Torres Strait Islander status and relevant cultural and kinship considerations

- vii. recommendations in health and mental health assessments
 - viii. disability
 - ix. previous shared cell placements, where applicable
 - x. non-associations, and
 - xi. the safety, security and good order of the correctional centre
- and
- b. request any relevant information from the Intelligence Unit where required.
- 4.3. The Accommodation Area Supervisor (CO2) must inform detainees of the outcome of any request under section 4.2 and, where a request has been denied, provide reasons in writing to the detainee.
- 4.4. The relevant Area Manager (CO3) or above may override concerns identified under section 4.2 and approve a cell sharing request in exceptional circumstances, including but not limited to:
- a. where both detainees identify as Aboriginal and/or Torres Strait Islander
 - b. where the shared cell placement would be in the interest of detainee welfare, safety, and security and good order at a correctional centre.

5. Placement Reviews

- 5.1. Where a correctional officer becomes aware of information that may change the risk to or from a detainee, including where relevant to their cell placement, they must inform the Accommodation Area Supervisor (CO2) and record the details on the detainee's electronic record.
- 5.2. An Accommodation Area Supervisor (CO2) or above will review a detainee's accommodation placement for the following reasons:
- a. where there are changes to a detainee's circumstances, including, but not limited to, changes to:
 - i. recommendations in health and mental health assessments
 - ii. protection status
 - iii. remand or sentenced status
 - iv. non-associations
 - v. risk alerts
 - vi. disability status.
 - b. where information or intelligence is received relating to any risk to or from the detainee, including under 5.1
 - c. to ensure security or good order are maintained at a correctional centre
 - d. to respond to operational demands, e.g. bed demand pressures
 - e. where the detainee has committed a major breach of discipline or been referred to police for investigation (*Detainee Discipline Policy*)
 - f. where the detainee's security classification has changed (*Detainee Classification Policy*)

- g. where the detainee's IEP level has changed (*Incentives and Earned Privileges Policy*)
 - h. at the request of the detainee to change their cell placement
 - i. for any other reason the Area Supervisor (CO2) or above considers appropriate.
- 5.3. All placement reviews must be documented on a *D38.F1: Placement Assessment*.
- 5.4. Where the Accommodation Area Supervisor (CO2) recommends that the detainee be moved to another accommodation area, the Accommodation Area Supervisor (CO2) must submit the *D38.F1: Placement Assessment* for review and approval by the relevant Area Manager (CO3).
- 5.5. Correctional staff must inform the detainee of the outcome of the placement review within two (2) working days.
- 5.6. Where a new accommodation placement has been approved for a detainee by the Accommodation Area Supervisor (CO2) or above:
- a. the decision must be recorded on the detainee's electronic record; and
 - b. the detainee allocated to a cell.

6. Family and kinship members

- 6.1. Where a detainee wishes to request a change of accommodation placement to reside with an immediate family or kinship member, they must submit a *Detainee Request Form* including the reason for the request.
- 6.2. The relevant Area Supervisor (CO2) will review all requests under section 6.1 and record the decision on a *D38.F1: Placement Assessment* and on the detainees' electronic record.
- 6.3. Staff must inform the detainee of the outcome of their request within two (2) working days.

7. Protection Status

- 7.1. Detainees may request to be placed on protection status by completing a *D38.F2 Application for Protection*. Detainees may seek the assistance of ACTCS staff to request and complete this form.
- 7.2. Detainees will be placed on protection status:
- a. according to a written direction of the Operations Manager Accommodation (CO4) or above; or
 - a. where a *D38.F2: Application for Protection* has been approved.
- 7.3. Where a *D38.F2: Application for Protection* has been submitted, the Accommodation Area Supervisor (CO2) must 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*
 - b. for specific circumstances to be provided.
- 7.4. The Operations Manager Accommodation (CO4) will review all applications provided by the Area Manager (CO3) and approve or refuse the application.
- 7.5. Detainees must be informed of the outcome of their *D38.F2: Application for Protection* as soon as practicable.

8. Review of protection status

- 8.1. The Area Manager (CO3) or above will review the requirement for protection status when there is new information or a change in the detainee's circumstances.
- 8.2. The Area Manager (CO3) may recommend to the Operations Manager Accommodation (CO4) or above that a detainee's protection status be removed.
- 8.3. In considering a recommendation under section 8.2, the Operations Manager Accommodation (CO4) or above will consider whether:
 - a. the identified risks have been mitigated
 - a. the safety of the detainee can be effectively managed in a mainstream accommodation placement
 - b. the wellbeing of the detainee is at risk if protection status is removed
 - c. the security and good order of the centre is at risk if protection status is removed
 - d. a management plan is required to transition the detainee to a mainstream accommodation placement.
- 8.4. Where the Operations Manager Accommodation (CO4) has approved the removal of a detainee's protection status:
 - a. the detainee must be informed in writing of the reasons for the decision; and
 - b. a placement review must be conducted to determine the appropriate accommodation placement for the detainee.
- 8.5. Where a detainee wishes to appeal a decision under section 8.4, they must submit a new D38.F2: Application for Protection to the relevant Area Manager (CO3) including the reasons for reconsideration.
- 8.6. Detainees will remain under protection status until the outcome of their new D38.F2: Application for Protection is confirmed.

Revocation of protection status

- 8.7. Detainees may apply to have their protection status revoked by submitting a D38.F3: Removal from Protection including the reasons for the removal.
- 8.8. The Operations Manager Accommodation (CO4) will review all applications under section 8.7 and approve or refuse the request.
- 8.9. The Operations Manager Accommodation (CO4) must ensure the detainee is informed of the outcome of their application as soon as practicable. Where an application has been refused, the detainee must be provided with the reasons for the decision.

9. Upper bunk bed occupancy

- 9.1. When placing a detainee into a cell with a bunk bed, the Accommodation Area Supervisor (CO2) will make reasonable efforts to identify if there are any factors which may cause the detainee difficulty in occupying the upper bunk such as:
 - a. age

- b. physical limitations
- c. disabilities
- d. medical alerts or information

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

RELATED DOCUMENTS

- Admission and Induction Policy
- Incentives and Earned Privileges Policy
- Detainee Discipline Policy
- Detainee Classification Policy
- D38.F1: Placement Assessment
- D38.F2: Application for Protection
- D38.F2: Removal from Protection
- Detainee Request Form

Jason Russell
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 ACT Corrective Services
 21 September 2022

Document details

Criteria	Details
Document title:	<i>(Placement and Shared Cell) Operating Procedure 2022</i>
Document owner/approver:	Assistant Commissioner Custodial Operations, ACT Corrective Services
Date effective:	The day after the notification date
Review date:	3 years after the notification date
Responsible Officer:	Senior Director Accommodation
Compliance:	This operating procedure reflects the requirements of the <i>Corrections Management (Policy Framework) Policy 2020</i>

Version Control			
Version no.	Date	Description	Author
V1	September-22	First Issued	S Young