



QUEENSLAND GOVERNMENT



Department of Justice



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Government of **Western Australia**  
Department of **Corrective Services**

# STANDARD GUIDELINES FOR CORRECTIONS IN AUSTRALIA

**Revised 2012**

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## **PREFACE**

The guidelines and the accompanying principles constitute outcomes or goals to be achieved by correctional services rather than a set of absolute standards or laws to be enforced. They represent a statement of national intent, around which each Australian State and Territory jurisdiction must continue to develop its own range of relevant legislative, policy and performance standards that can be expected to be amended from time to time to reflect 'best practice' and community demands at the state and territory level.

The first edition of the 'Minimum Standard Guidelines for Australian Prisons' was published in 1978 following an earlier seminar conducted by the Australian Institute of Criminology in 1976. United Nations Standard Minimum Rules for the Treatment of Prisoners and related recommendations as well as the Council of Europe Standard Minimum Rules, were used as a basis and modified to accommodate trends in correctional practice of the 1970's. A subsequent edition edited by CR Bevan (then Assistant Director of the Australian Institute of Criminology) was released in 1984.

Correctional Administrators in 1986 agreed to review the guidelines and guidelines for Community-based Corrections were then added to 'Minimum Standard Guidelines for Corrections in Australia and New Zealand. A 1992 revision saw the inclusion of material that reflected the recommendations of the Royal Commission into Aboriginal Deaths in Custody. However, the Minimum Standard Guidelines for Prisons have remained largely unchanged from the 1984 edition.

As corrections moves into the new millennium it is again timely to review the document in the light of the many changes that have occurred in correctional practice in the last few years. Changes that have included: an exponential growth in prisoner numbers; the introduction of contracted correctional services to many jurisdictions; a re-appraisal of evidence-based programmes that address offending behaviour; an increased focus on 'throughcare'; the introduction of services for victims; and an increased focus on prisoners and offenders making reparation for their crimes. The scope of the guidelines has also been extended to encompass transport arrangements and work camps. With these developments in mind and with the strong desire of the correctional administrators to have the document become a meaningful and useful tool for correctional jurisdictions across Australia, a change has been wrought to its structure and presentation.

While the guidelines, particularly after the most recent review, incorporate a contemporary approach, capturing the very diverse nature of modern corrections, there is still a very strong recognition of the unique position held by Indigenous Australians within the criminal justice system.

## DEFINITIONS

**Administering Department:** the government department(s) or agency within each jurisdiction responsible for managing correctional services including organising and administering prisons and community-based corrections and post-release supervision of all kinds.

**At-Risk Prisoner:** a prisoner who is considered to be at risk of self-harm or at risk of assault from other prisoners or one who has a potentially harmful medical condition.

**Community Corrections Centre:** any building, enclosure, place or class of places established to meet the statutory requirements for the supervision of persons who are under a legal supervision, development, or work order.

**Community Corrections Officer:** an officer employed by the Administering Department, either full-time, part-time, sessional or by some other arrangement who is subject to the direction and assigned from time to time to duties involving the supervision of offenders or of other community corrections orders.

**Contracted Service Provider:** any person or organisation, bound by the contract or service level agreement to the Administering Department, that receives a financial consideration from the Administering Department in return for delivery of a correctional service or services.

**Death in Custody:** for the purpose of all post-death investigations the definition of deaths should include at least the following categories:

the death wherever occurring of a person who is in prison custody;

the death wherever occurring of a person whose death is caused or contributed to by traumatic injuries sustained or by lack of proper care whilst in such custody or detention;

the death wherever occurring of a person who dies or is fatally injured in the process of prison officers attempting to detain that person; and the death wherever occurring of a person who dies or is fatally injured in the process of that person escaping or attempting to escape from prison custody.

**Disability:** The term people with disabilities is used to apply to all persons with disabilities including those who have physical, mental, intellectual or sensory impairments (refer section 4.1 Commonwealth Disability Discrimination Act 1992).

**Electronic Monitoring:** any active or passive electronic system for signalling the compliance or otherwise of the offender.

**Employees/Work-Force:** any person(s), other than a prisoner or offender, who regularly performs any work, activity or function either paid or unpaid on behalf of the Administering Department or its contracted service provider.

**High Risk Prisoner:** A prisoner who poses a significant and ongoing risk of escape or to the security or good order of a prison or prisons or a continued and serious threat to staff, visitors or other prisoners or the community.

**Home Detention Order:** any order requiring an offender to remain within the precincts of a specified residence during specified hours; and permitting absences from those precincts only during specified periods for specified purposes.

**Manager:** an officer assigned special powers by the Administering Department in order for the officer to undertake the role of managing a prison or community corrections centre.

**Offender:** a person on whom the Court or releasing authority has imposed a community corrections order.

**Prison:** any building, enclosure or place legally declared to be a prison for the lawful custody of persons committed by lawful authority.

**Prisoner:** a person sentenced by the Court to a term of imprisonment; or ordered by the Court to be detained in a prison. This includes a person placed in the custody of the Administering Department in accordance with a lawful order for the purpose of undergoing special treatment while under restrictive custody.

**Prison Officer:** an officer employed or accountable to the Administering Department or a contracted service provider, and whose responsibility includes the supervision of prisoners and the maintenance and good order of a prison.

**Releasing Authority:** any authority, including a Parole Board, empowered by the law of the applicable jurisdiction to order the release of prisoners before the completion of their full (head) sentence.

**Remand Prisoner:** any person charged with a criminal offence that has been ordered by the Court to be detained in custody while awaiting trial or sentencing.

**Volunteer:** a person authorised by the Administering Department to provide or assist in the provision of prison or community-corrections orders, but not including persons supplying on-site work supervision or training in the course of community service work carried out by offenders.

# **STANDARD GUIDELINES FOR COMMUNITY AND CUSTODIAL CORRECTIONS**

## **STATEMENT OF PURPOSE**

Community and custodial correctional services exist for the purpose of:-

### **ASSESSMENT AND ADVICE:**

to assist sentencing and releasing authorities, by providing high quality assessments and advice, in the formulation of sentences, orders and directions for offenders and prisoners.

### **COMPLIANCE MANAGEMENT:**

to ensure that prisoners and offenders fulfil the sentences, orders and directions of courts and releasing authorities.

### **REHABILITATION:**

to assist the rehabilitation of prisoners and offenders by providing opportunities (e.g. programmes, etc) to reduce offending behaviour and through the adoption of productive, law-abiding lives in the community.

### **PUBLIC SAFETY:**

to contribute to public safety by preventing crime and through reducing recidivism.

### **REPARATION:**

to provide prisoners and offenders with an opportunity to make restitution to their victims or to the wider community.

## ***GUIDING PRINCIPLES FOR COMMUNITY CORRECTIONS***

1. The management of offenders shall seek to implement requirements imposed by the Courts and releasing authorities whilst maintaining victim and community safety and working with offenders to reduce recidivism and encourage social reintegration.
2. The management of offenders should be based on an assessment of the security risk they present, their risk of re-offending, and be tailored to address their individual criminogenic and other needs.
3. Community correctional programmes and facilities should be designed and managed in a manner that acknowledges offenders' dignity, individual worth, and potential for change.
4. Community corrections services should have the capacity to provide access to a range of services that promote the rehabilitation and reintegration of offenders and provide a viable alternative to imprisonment.
5. The supervision of offenders should involve collaborative working relationships with key internal and external stakeholders including community networks, families and employers to assist in offender rehabilitation.
6. To provide seamless, coordinated and integrated management of offenders in custody or on community based orders which operates throughout an offender's engagement with the correctional service.
7. The design and management of community correctional services should:
  - (i) reflect specific needs of offenders that may arise from their gender, age, cultural background, physical or mental impairment, health status, or other potential sources of discrimination; and
  - (ii) take account of particular needs and disadvantages that may be faced by Indigenous people.
8. Community correctional services should aim to achieve effective partnerships with Indigenous communities and organisations, in the development of policies, and in the delivery of programmes and services for Indigenous offenders.
9. The design and implementation of community correctional policies, programmes and services should be informed by research, and reflect sound evidence-based practice.
10. The needs and safety of victims should be considered across all offender service development and delivery.

# ***STANDARD GUIDELINES FOR COMMUNITY CORRECTIONS***

## **1. ADVICE TO SENTENCING AND RELEASING AUTHORITIES**

The process for preparing reports for courts and releasing authorities, and the content of such reports, ensure that information to assist decision making about offenders is relevant, impartial, evidence based, informed and timely.

- 1.1 Documentation on each offender being managed in the community should be sufficiently comprehensive and up-to-date, so that at any time a report can be prepared which details:
  - (i) the offender's current circumstances (if known),
  - (ii) the manner and extent to which the offender has complied with an order or orders of a court or releasing authority; and
  - (iii) where appropriate, any changes in the risks presented by an offender, or in his or her needs, since the previous appearance before the court or releasing authority.
- 1.2 Reports on offenders to courts and releasing authorities should be concise, objective, factual, and timely. Information should be confirmed wherever possible. Any expression of opinion should be clearly identified as such.
- 1.3 Assessment of offenders should draw upon and identify:
  - (i) the widest practicable range of information sources regarding offenders and their offences;
  - (ii) relevant issues in their social and cultural background, including health, education and family and community supports where relevant; and
  - (iii) knowledge of available correctional services, programmes, and other avenues of information and support.
- 1.4 Advice about offender management options provided to courts and releasing authorities should take into account:
  - (i) the risk posed to the community by the offender;
  - (ii) the offender's offence-related needs;
  - (iii) an assessment of the offender's capacity and motivation to respond to the offender management option being considered; and
  - (iv) availability of, and eligibility for, appropriate intervention services.
- 1.5 Where there is insufficient information regarding an offender to permit a responsible assessment and recommendation to be made to a court or a releasing authority, advice and reasons to this effect should be provided.
- 1.6 Interpreters or elders from Indigenous communities and other ethnic groups should be utilised, where possible and appropriate, to assist in communicating with offenders of their own cultural background. Advisers on cultural or ethnic issues should be recognised for their expertise by the group(s) to which their advice relates.



- 1.7 Courts and releasing authorities should be advised promptly of any significant developments and changes in circumstances which may warrant amendment, extension, or discharge of an order.
- 1.8 Advice to the courts should, where appropriate, make reference to key issues and directions for case management, and canvass the appropriateness of non-custodial sentencing options.
- 1.9 Reports on offenders should only contain information which is relevant to the purpose of the report, irrespective of whether it addresses issues which may otherwise be identified by these standards.

## **2. CONTAINMENT**

Constraints on movement and residence such as curfews and home detention imposed on clients of community based corrections agencies are managed with a view to balancing the need to protect public safety with the need to prepare offenders for their ultimate return to unrestricted independent living.

- 2.1 In assessing an offender for home detention or any other curfew programme, the consent of the offender and the permission of any other people living at the same address should be gained.
- 2.2 Curfew programmes should provide for other people living at the same address withdrawing consent for the offender to be placed, or to continue living there.
- 2.3 In any programme constraining an offender's movement, including curfew, the level of surveillance should, where possible be commensurate with the assessed level of risk presented by the offender once minimum programme objectives have been met.
- 2.4 Any monitoring regime should avoid unnecessary intrusion into the time and privacy of the offender's cohabitants and should take into account the physical safety and wellbeing of these people.
- 2.5 Any device that a monitoring authority may require an offender to wear for the purpose of transmitting or receiving an electronic signal should be an unobtrusive device as practicable. The device should permit the wearer to perform normal physical activity, to maintain a reasonable level of privacy, and to make full use of home amenities without signalling a violation.
- 2.6 Curfew programmes should always use the least restrictive regime needed to effect compliance.
- 2.7 Offenders should, where possible and appropriate, have access to constructive pro social activities whilst undertaking curfew programmes.

### **3. CASE MANAGEMENT (COMMUNITY)**

Case management of offenders in the community should ensure that risks posed by individuals, and their needs, are thoroughly assessed, and that different forms of intervention to address these factors are planned, implemented, recorded and periodically reviewed.

- 3.1 The form and intensity of case management should be related to the assessed risk to community safety, risk of re-offending, and to the needs or behaviour of the offender.
- 3.2 Each Administering Department will operate a system of case management to provide a basis for the assessment, planning, development, co-ordination, monitoring and evaluation of options and services to meet individual offenders' needs, based on assessed risk and for achieving their compliance with orders to which they are subject.
- 3.3 Offenders are managed in accordance with legislative requirements, and to enhance community safety.
- 3.4 Wherever possible, case management systems should be consistent across all sections of the Administering Department; that is between community corrections and custodial sections of the Department. Wherever possible both sections of the Department should use the same risk assessment tool/s.
- 3.5 Where appropriate, offenders will have a case plan developed as soon as possible after registration with community corrections. Case plans should be related to defined goals and criminogenic needs/ causes of offending behaviour, established with the offender.
- 3.6 Case plans should be regularly reviewed and, with input from the offender, modified as necessary according to the changing needs and risk of the offender.
- 3.7 The case management process includes co-ordinating access to appropriate programmes and services, as required by the conditions on the order or the offender's assessed risks and needs.
- 3.8 Case management should take account of the offender's commitments with regard to employment, education, cultural and religious beliefs and family.
- 3.9 Community corrections officers should advise offenders that any information obtained through the case management process will be treated as confidential, except where an existing disclosure obligation exists under law.
- 3.10 Arrangements for the case management of offenders should, as far as possible, be stable and consistent over time. Where changes to supervision are made in line with operational requirements, case plans or changed circumstances, these should be fully explained to offenders.
- 3.11 Upon registration with community corrections, offenders should be given written and oral information, in a form and language that they understand, about the requirements of the order(s) to which they are subject, and about the implications of non-compliance with the order(s).
- 3.12 Offenders should be given clear information about the process for ensuring and monitoring compliance with the order(s) to which they are subject.
- 3.13 Offenders should be clearly informed that failure to comply may result in the imposition of one or more sanctions, commensurate with:
  - (i) the seriousness of the non-compliance;

- (ii) the risks that the non-compliance presents to community safety;
  - (iii) expectations of the court or releasing authority; or
  - (iv) other factors impinging on the likelihood of the offender completing the order(s)
- 3.14 An offender who fails to comply with any condition of an order should, where possible be given opportunity to provide reasons for the non-compliance.
- 3.15 Breach action should be initiated in a timely manner, and be consistent with the Administering Department policy and previously-defined expectations about the consequences of non-compliance.
- 3.16 When case management of an offender ends, a termination report should be completed which details the offender's compliance, response to intervention and continuing risks and needs. This report should, wherever possible, be accessible to inform future assessments and planning by a sentencing/releasing authority.

## **4. REPARATION**

Programmes, or orders issued by courts or releasing authorities, that require offenders to undertake work in the community, or to engage directly or indirectly with victims, are managed safely, fairly, and with a view to assisting offenders to re-establish themselves in society as law-abiding citizens.

- 4.1 Subject to an appropriate risk-assessment, community work placements should provide opportunities for contact between offenders and members of the public, consistent with the needs and degree of risk presented by the offenders.
- 4.2 Community work required to be done by offenders should be meaningful and should, as far as practicable, enhance, or make the best use of the offenders' skills.
- 4.3 Where practicable, establish offender opportunities to tailor placements to individual offender skill set and circumstances that leads to possible work opportunities and adds value to the offender and the community.
- 4.4 Agencies providing work for offenders have a right to specify a range of offences or type of offender they would wish to exclude from work with the agency, and to have that wish respected.
- 4.5 On any work placement, provision should be made to ensure appropriate records are maintained of offenders' occupational health and safety, accident, insurance and supervision.
- 4.6 Offenders complying satisfactorily with the requirements of a work order should be credited with minimum hours of attendance at a placement if suitable work becomes unavailable through factors beyond their control.
- 4.7 Programmes and projects should be promoted to provide community awareness, and understanding of offender work performed in the community.

- 4.8 All work placements should be compliant with occupational health and safety, privacy policy and legislation.
- 4.9 Strengthen risk management and occupational health and safety practices that reduce incidents and illness/injury claims.

## **5. OFFENDER PROGRAMMES**

Structured programmes made available to offenders on an individual or group basis through community based correctional agencies are relevant to their criminogenic needs, responsivity, abilities, and cultural background; are integrated with their prison experience (if any); and assist them to live in the community without further offending.

- 5.1 Programmes and services should be based on an assessment of each offender's risk of re-offending, criminogenic needs and their physical and mental ability to participate. Where possible, programmes and services should be delivered in the offender's cultural environment, and adapted to suit their environment as necessary.
- 5.2 Offenders should be provided with programmes and services that are best practice and encourage the development of skills to address criminogenic needs to reduce recidivism and increase public safety.
- 5.3 Programmes should be subject to a structured process of review and evaluation to ensure their efficacy in achieving their stated objectives.
- 5.4 Programmes should be conducted by personnel who have the appropriate credentials, training and experience.
- 5.5 When an Administering Department is unable to arrange the provision of appropriate programmes and services to address their needs, offenders should not experience any consequential disadvantage or penalty during their time under community-based supervision.
- 5.6 The failure or inability of offenders to complete programmes should only constitute grounds for disciplinary or breach action in the case of intentional non-compliance on their part. Non-completion in other cases should be managed as a normal part of the case review process.
- 5.7 The confidentiality of records and information in relation to the offenders subject to programme intervention should be maintained, other than where required to be divulged to protect public safety or where legally authorised.
- 5.8 The programme design needs to consider gender, cultural background, physical or mental impairment, health status, age or other special considerations in consultation with relevant community groups and experts.
- 5.9 Programmes should be conducted in an environment which has been assessed as safe for programme staff and all participants.

### Special or Complex Needs of Offenders

- 5.10 Offenders with a disability should be provided with assistance and with programmes, which address their individual needs and their offending behaviours where possible.

## 6. SYSTEMS MANAGEMENT

Community-based correctional services are supported by well-developed and maintained systems for workforce planning and management, and by procedures for guiding relations between offenders and community correctional staff.

- 6.1 Each Administering Department should determine a set of competencies (skills, knowledge, abilities and attitudes) that will be used to guide the identification of appropriate qualifications, recruitment and selection, performance appraisal and staff development.
- 6.2 All qualified persons should be able to compete for entry into a promotion within the Administering Department. Staff selection, retention and promotion should be on the basis of merit, skill, knowledge, experience and qualifications.
- 6.3 Where an employment decision is made relating to the appointment or promotion of a person in the agency, the selection process is determined in advance and information about the process is readily available
- 6.4 The selection, retention and promotion of members of minority groups or people with a disability should be managed in such a manner as to ensure their equitable and fair access to career opportunities enjoyed by other staff.
- 6.5 A broad range of learning, developmental and training strategies will be adopted, based on identified agency performance needs, in order to contribute to service quality and desired outcomes.
- 6.6 There will be a commitment to continuous improvement in practices and the quality of services provided. To this end, each Administering Department will develop and implement quality assurance processes designed to measure performance against established standards and principles.
- 6.7 A safe and healthy environment should be provided for all employees and for offenders under community based management. Appropriate health and safety standards should also be established and monitored in relation to offenders subject to community work requirements and for staff or other persons involved in their supervision.
- 6.8 Where possible, the composition of the workforce should provide a gender and ethnicity mix that reflects the diversity of the community in which services are delivered.
- 6.9 A code of conduct should be provided to all employees. It should prescribe a set of guiding principles that assist staff in determining acceptable levels of workplace conduct. Employees will be expected to act ethically and in accordance with the highest standards of professional integrity and honesty in the performance of their assigned duties.
- 6.10 Offenders should be provided with clear, accessible and fair avenues for lodging and resolving grievances. They should be assisted to express their concerns and seek redress without fear of retribution.
- 6.11 Grievances should be determined according to a standardised process that:

- i) ensures that offenders are informed of the outcome of their complaint; and
- ii) makes provision for appeal in cases where the grievance is not resolved to the satisfaction of the complainant.

## STANDARD GUIDELINES FOR CUSTODIAL CORRECTIONS

### ***GUIDING PRINCIPLES FOR THE MANAGEMENT OF PRISONERS***

Correctional services in Australia seek to improve and maintain safety of and confidence in the correctional system by managing prisoners consistently and with reference to the guiding principles that prisoners are:

1. Managed and contained in a safe, secure, humane manner.
2. Managed equitably, with recognition of their diverse needs.
3. Actively engaged to make positive behaviour change (inclusive of accessing intervention programmes, education, vocational education and work opportunities) with the aims of preparing them for their participation in and return to the community, as well as reducing re-offending behaviour.
4. Provided opportunity to make reparation to the community.
5. Managed consistent with the Acts and Regulations applicable to each jurisdiction, and the sentences and requirements imposed by the Courts.
6. Held at a level of security which is commensurate with the level of risk posed by that prisoner.
7. Where practicable, placed in correctional facilities with a regard to their community of interest and other support needs.
8. Supervised fairly and consistently with the aims of encouraging positive behaviours and maintaining security.
9. Provided with access to health care, to the same standard as in the community, in response to need, with an appropriate range of preventative services, and promoting continuity with external health services upon release.

## STANDARD GUIDELINES FOR PRISONS

### 1. CUSTODY

#### Reception and Administration of all Prisoners

- 1.1 No person may be admitted into prison as a prisoner without a valid commitment order. The details of the order should be entered onto a permanent record as soon as practicable. The information that is recorded should include:
  - (i) the reasons and authority for commitment;
  - (ii) the date of admission; and
  - (iii) details of the identity of the person, including country of birth and any other information considered relevant.
- 1.2 All prisoners should be provided with an effective means to inform their families, other relevant approved persons of their imprisonment as soon as practicable after their admission to a prison or upon transfer between prisons.
- 1.3 All prisoners should be screened upon admission to enable the prison management to make an initial health and psychological assessment in order to identify and provide appropriate intervention for any pressing medical (including drug, alcohol or mental health) and welfare concerns. Prisoners should be provided with appropriate opportunities to make arrangements for the welfare of their children, next of kin or other dependents as soon as practicable after admission.
- 1.4 All prisoners should be inducted into the prison by undergoing a formal reception process as soon as practicable after receipt that provides key summary information necessary to the prisoner understanding the prison regime and the requirements placed on prisoners.
- 1.5 If a prisoner is illiterate, information should be conveyed verbally. Such information should be presented in a linguistic and culturally relevant form, using interpreters where necessary.
- 1.6 A further or extended period for assessment and orientation should also be provided where practicable, using interpreters where necessary in order to maximise prisoners' understanding of information, and to aid better assessment.
- 1.7 Prisoner property which is to be retained at the prison, either in the prisoner's personal possession or in prison storage should be recorded, stored, transferred and controlled in an effective manner and in a way that respects the entitlement of the prisoner to such property. Instructions should be received from the prisoner regarding property that is not to be retained at the prison for appropriate disposal.
- 1.8 On the release of a prisoner, all prisoner property and any accumulated unspent money should be returned.

#### Unconvicted (Remand) Prisoners



- 1.9 Remand prisoners are to be presumed to be innocent until found guilty and should be treated without restriction other than those necessary for prison organisation and the security of the prison and the prisoner.
- 1.10 The treatment of remand prisoners should not be less favourable than that of sentenced prisoners.
- 1.11 Where practicable, remand prisoners should not be put in contact with convicted prisoners against their will.
- 1.12 Remand prisoners may be given the opportunity to wear their own suitable clothing. If prison clothing is issued, it should be of a type of clothing that is worn in the community and should not be designed to humiliate the prisoner.
- 1.13 Where work is available, remand prisoners should be offered the opportunity to work, but should not be required to work.
- 1.14 Those who choose to work should be paid as other prisoners. If education, vocational training or other approved activities are available, remand prisoners should be encouraged to avail themselves of these opportunities.
- 1.15 Remand prisoners should be allowed to procure at their own expense or at the expense of a third party, such books, newspapers, writing material and other means of occupation as are compatible with the security and good order of the prison.
- 1.16 Remand prisoners who are not also serving a sentence of imprisonment should, where practicable, have increased visitor access at the discretion of the prison manager, though denial or reduction in visits should not be used as punishment for breaches of prison discipline.
- 1.17 Remand prisoners and all prisoners who have legal matters pending, whether they are on remand or sentenced to a term of imprisonment, should:
  - (i) be able to meet and have telephone conversations with their lawyers, consistent with security requirements; and
  - (ii) have access to legal library resources, including where practicable supervised access to electronic media for the purpose of viewing electronic legal documentation.

#### Accurate Administration of Sentences

- 1.18 Prison systems should ensure that sentences imposed by the Courts are enforced in accordance with relevant legislation.
- 1.19 Comprehensive and accurate records of prisoners' warrants, sentences imposed by the Courts, transfers, discharges, bails and fines are to be maintained in accordance with relevant legislation.
- 1.20 Prisoners are to be released on the date that the valid commitment order expires, or in accordance with other legislation providing for early release, or extended supervision or detention.
- 1.21 People are sent to prison as punishment not for punishment. Prison systems should ensure that prisoners are not further punished for their crimes over and above the

sentence imposed by the Court.

#### Effective Complaint and Grievance Resolution Processes

- 1.22 Prisoners should be informed of the procedures for making complaints at the prison and through external grievance resolution authorities.
- 1.23 Requests and complaints by prisoners are to be able to be made at any time and shall be handled promptly and effectively by the prison. A review system should be implemented to ensure all complaints are addressed.
- 1.24 Prisoner complaints or grievances that are not resolved by the prison may be submitted by the prisoner to an authority external to the prison for an independent assessment and determination. Prisoners should be informed about these external resolution processes in the prisoner's own language where practicable, and provided with the means for making complaints to an external authority in a confidential manner.

#### Safe Environments and the Effective Management of Risk

- 1.25 Prisons should identify, minimise and manage risk.
- 1.26 Prisons should implement systems by which the general location of all prisoners is known at all times.
- 1.27 Prison should provide for the personal safety of staff, visitors, and prisoners by ensuring a prison environment that protects the physical, psychological and emotional wellbeing of individuals.
- 1.28 Prisons should develop and implement a prisoner safety regime which:
  - (i) prevents bullying, identifies and effectively manages perpetrators;
  - (ii) provides an immediate and effective incident response;
  - (iii) identifies prisoners who present a risk to prison staff or other prisoners; and
  - (iv) places prisoners in situations which minimises the opportunity for them to be harmed, or for them to harm others.
- 1.29 Prisons should have in place a current emergency management plan.
- 1.30 Discipline and order shall be maintained with firmness, but with no more restriction than is necessary for safe custody and a well ordered prison.
- 1.31 All necessary measures should be taken to ensure that no prisoner injuries or unnatural deaths occur.
- 1.32 There should be an independent and timely audit process of the facts, circumstances and work practices surrounding any incident where any person is seriously injured or dies. The findings of such a process should be reported to the relevant authority.
- 1.33 In the case of a prisoner death, an independent investigation should be conducted.
- 1.34 Prisons should provide a management system that meets the different and particular needs of all prisoners including those at risk of self harm or those vulnerable to being

harmed by other prisoners.

### Victim Safety and Support

- 1.35 Any prisoner contact with victims should be strictly controlled and subject to the approval of the victim. Care should be taken by the prison management to avoid victims being subjected to overt or covert threats or any unwanted contact.
- 1.36 Victims may register with the Administering Department to obtain key sentence and release information regarding prisoners who have offended against them.
- 1.37 The Administering Department will provide information and access to rights for which they are legislatively entitled.
- 1.37 Victims who are registered with the Administering Department should be notified if a prisoner is being approved for transfer to another jurisdiction. If the victim is not eligible to register, the Administering Department should provide information on victim services in the receiving jurisdiction.

### Classification and Placement

- 1.39 The Administering Department should provide a well-structured and transparent system of classification and placement of prisoners which has as its central aim; the safety of prisoners, staff and the community, while ensuring placement of prisoners at their lowest level of security appropriate for their circumstances to ensure maximum opportunities for rehabilitation.
- 1.40 The security classification of prisoners should be based on an objective assessment of risk and a risk management strategy that takes into consideration the nature of their crime, risk to the community, risk of escape and their behaviour in custody.
- 1.41 The placement and assignment of prisoners to prisons should also include the principle of enabling prisoners to reside as closely as possible to their family, significant others, or community of interest.
- 1.42 Prisoners should be appropriately managed according to their individual needs in regard to: health, any disability; cultural or linguistic issues.
- 1.43 The management and classification of female prisoners should reflect their generally lower security needs, but their higher needs for health and welfare services, and for contact with their children.
- 1.44 Males and females shall in principle be segregated, although they may participate together in organised activities, as part of an established programme.
- 1.45 Special care should be taken with any prisoners under 18 years of age that are not kept in a separate juvenile custodial system. These prisoners should be carefully assessed to determine appropriate placement.
- 1.46 Special care should be taken with any prisoners under 18 years of age that are not kept in a separate juvenile custodial system. These prisoners should be carefully placed to ensure their safety and should be provided with programmes and services appropriate to assessed criminogenic and welfare needs and with regard to their age and circumstances.
- 1.47 Information regarding the classification and placement system should be

communicated to prisoners in a way they can understand, ensuring that culturally and linguistically diverse (CALD) prisoners and prisoners for whom English is not their first language are appropriately informed.

- 1.48 For prisoners on guardianship orders, information regarding the classification and placement system should be communicated to the relevant substitute decision maker.

#### Security, Management and Good Order

- 1.49 Consistent with the security and good order of the prison, interaction between staff and prisoners should promote dignity and respect.
- 1.50 The behaviour required of prisoners should be made clear and be available on reception in a format that is reflective of the prisoner needs.
- 1.51 Good industry and conduct by prisoners may be rewarded by a privilege incentive scheme that is equitable and available to all prisoners.
- 1.52 Effective security systems and procedures should be established to prevent escapes, so that within the prison perimeter, prisoners' safety and freedom of movement may be optimised, consistent with the need for security and good order.
- 1.53 Effective systems should be established to ensure the appropriate gathering, recording management and dissemination of intelligence information.
- 1.54 Effective systems should be established to detect and confiscate weapons, drugs and other contraband that have been introduced, manufactured, carried or secreted by prisoners, visitors or others.
- 1.55 Searches, including strip searches, should be conducted by staff members of the same gender, wherever practicable. Searching should be carried out ensuring the dignity and privacy of the person being searched, as far as practicable.
- 1.56 Strip searches should only be carried out as a means of detecting or retrieving concealed contraband.

#### Liaison with Police and other Relevant External Agencies

- 1.57 Procedures should be established to ensure that the Police are promptly notified in the event of an assault or other crime that may constitute an indictable offence.
- 1.58 Procedures should be established to ensure that the Police are promptly notified in the event of a prisoner escape.
- 1.59 Procedures should be established to enable the exchange of information with the Police and other relevant external agencies with respect to any person introducing or attempting to introduce drugs, weapons or other contraband into a prison, or any other criminal activity.

## Use of Force

- 1.60 Force should be only used as a last resort for the minimum period where other means have proved unsuccessful and where not to act would threaten safety, security or the good order of the prison.
- 1.61 A prison officer may, where necessary and in accordance with relevant legislative authority, use reasonable force to compel a prisoner to obey a lawful order given by the prison officer. Where such force is used, the prison officer should report the fact to the manager of the prison and provide the prisoner with the option of a medical examination.
- 1.62 Prison Officers should be given training to enable them to restrain aggressive prisoners. Such training should be ongoing and emphasise techniques that allow aggressive prisoners to be restrained with minimum force.

## Weapons and Restraints

- 1.63 Staff responsible for the carriage and discharge of firearms should receive accredited firearms training and be required to participate and be assessed as competent at least annually.
- 1.64 Except in special circumstances, firearms should never be carried by staff coming into direct contact with prisoners.
- 1.65 All weapons and instruments of restraint should be approved by the Administering Department. Prison Officers should only be issued with weapons and instruments of restraint that they have been assessed as competent to use.
- 1.66 All weapons, including firearms and instruments of restraint should be stored, carried, handled and used in a safe and lawful manner.
- 1.67 Instruments of restraint should never be used as punishment.
- 1.68 Any instruments of restraint are to be used in a timely, appropriate and legal manner for the minimum time necessary. Instruments of restraint should be:
  - (i) used only where the restraint of a prisoner is strictly necessary to maintain the security of the prisoner or prevent injury to any person;
  - (ii) of the least restrictive type appropriate;
  - (iii) applied for the minimum time necessary to control the prisoner; and
  - (iv) removed during medical tests and procedures, provided this meets security and management requirements.
- 1.69 Chemical agents should only be used where it is strictly necessary to maintain the security of the prison or to prevent injury to any person.

## Hearing and Adjudication of Prison Offences

- 1.70 Prisons should deal with the discipline of prisoners openly, expeditiously and fairly within a disciplinary code established under legislation. Any prison offences created

under legislation should be made available to all prisoners and all punishments should be made known to prisoners.

- 1.71 Prisoners should be notified in writing of any charges relating to an alleged breach of prison discipline at the first available opportunity.
- 1.72 No prisoner shall be tried unless informed of the alleged offence and given a proper opportunity of presenting a defence.
- 1.73 Where necessary a prisoner should be allowed to use an interpreter when making a defence. Indigenous prisoners should be allowed to obtain culturally relevant advice and assistance to present a defence.
- 1.74 Adjudication processes should be fair and should incorporate principles of natural justice and procedural fairness.
- 1.75 Where punishment may entail extra sentence, there should be a judicial hearing with right to legal representation for the prisoner.

#### Punishment of Prisoners

- 1.76 Collective punishment should not be used.
- 1.77 No prisoner may be employed in any disciplinary or supervisory capacity over other prisoners.
- 1.78 A prisoner should not be punished except in accordance with the terms of such law, regulation or rule relating to prisoners' behaviour. Punishments should be appropriate to the offence.
- 1.79 A prisoner who is under punishment should be provided with information concerning the duration and nature of the punishment, as well as any appeal rights.
- 1.80 Prolonged solitary confinement, corporal punishment, punishment by placement in a dark cell, reduction of diet, sensory deprivation and all cruel, inhumane or degrading punishments should not be used.
- 1.81 Every prisoner who is placed in segregation should be visited daily by a member of the prison management or approved delegate, and as frequently as practicable (preferably daily) by a representative of the medical officer. The medical officer or their representative should advise the officer in charge of the prison if they consider the termination or alteration of the segregation is necessary on grounds of physical or mental health.

#### Segregation of Prisoners for Management or Administrative Reasons

(Also see under Psychological Services and Managing Prisoner Stress for when segregation may be used to prevent self-harm)

- 1.82 Prisoners placed in segregation for the security and good order of the prison are to be managed under the least restrictive conditions consistent with the reasons for their placement.
- 1.83 A record should be made of the reason(s) for the segregation and the regime under which access to facilities and privileges is determined.
- 1.84 The prisoner should be informed verbally and in writing of the reason(s) for the

segregation and the period of the segregation placement as well as any appeal rights.

- 1.85 Every prisoner who is placed in segregation for management or administrative reasons should be visited daily by a member of the prison management, or approved delegate, and as frequently as practicable (preferably daily) by a representative of the medical officer. The medical officer or their representative should advise the officer in charge of the prison if they consider the termination or alteration of the segregation is necessary on grounds of physical or mental health.

## Transport of Prisoners

### Duty of Care Principles

- 1.86 The transport of persons in custody should only take place when necessary.
- 1.87 The transport of persons in custody should be conducted in a safe and humane manner, taking into account the dignity of the person transported.
- 1.88 The transport of persons in custody should be determined based on consideration of the prisoner's individual or special needs, including the means of transport.
- 1.89 All persons involved in the transport should be satisfied that the person in custody being transported has been assessed as suitably fit for undertaking transport by the means used.
- 1.90 All relevant information should be provided to:
- (i) the persons conducting the transport to ensure the safe and humane transport of the person, and
  - (ii) the receiving agency.
- 1.91 The transport of persons in custody should involve them being held in the vehicle for only as long as is necessary.
- 1.92 Transport involving the use of mechanical restraints should be in accordance with relevant policy and the security rating of the prisoner, and only occur where required to manage appropriate risks.
- 1.93 Persons in custody should be monitored at regular intervals during transport to ensure their safety and well-being.
- 1.94 Persons in custody should during transport have access to food and water, adequate enough to provide for their health and well-being.
- 1.95 Persons in custody should have access to required medication during transport.
- 1.96 The transport of persons in custody should provide breaks at regular intervals.
- 1.97 Vehicles used for the transport of persons in custody over long distances should provide an increased level of amenities commensurate with the additional time being held in the vehicle.
- 1.98 Authorities conducting transport of persons in custody should have in place appropriate plans for the management of emergencies, break downs and other relevant situations.
- 1.99 The persons conducting the transport should be able to provide relevant first aid and

manage situations in accordance with the relevant plans in cases of emergencies.

#### Vehicle Standards

- 1.100 All vehicles used for the transport of persons in custody should:
- (i) Provide for the safety, comfort and security of the person being transported.
  - (ii) Meet the relevant state design standards and the Australian Design Standards.
  - (iii) Where possible consider the use of natural light and privacy from outside views.
  - (iv) Provide for sufficient space so that where possible the movement of personal property is done in conjunction with the movement of the person in custody.
- 1.101 All vehicles used for the transport of persons in custody should be fitted with:
- (i) Seat belts except where under state law an authority can apply for an exemption.
  - (ii) Forward or rear facing seats for persons in custody undergoing transport.
  - (iii) Appropriate communication systems to facilitate the communication between the persons conducting the transport and the persons in custody being transported.
  - (iv) Effective climate control for those areas of the vehicle where persons in custody are located.
  - (v) Where possible, an appropriate power system for the maintenance of all electrical systems including air conditioning and monitoring systems.
  - (vi) Relevant equipment for dealing with emergency situations and breakdowns.

## **2. CARE AND WELLBEING**

### Accommodation

- 2.1 All parts of a prison used by prisoners shall be properly maintained and kept clean at all times.
- 2.2 Each prisoner should be provided with suitable living accommodation.
- 2.3 Cells or rooms that are designed for single or multiple occupancy, should be consistent with the standards relating to size, light, ventilation, etc., as set out in the Standard Guidelines for Prison Facilities in Australia and New Zealand (1990) or as later modified.
- 2.4 Accommodation should be provided to respond effectively to the actual needs and risk status of a prisoner. In some cases, single cell accommodation may be provided, in other cases multiple or dormitory accommodation may be more appropriate.
- 2.5 Where prisoners are accommodated in multiple occupancy cells or rooms, the prisoners are to be carefully assessed and selected as being suitable to associate with one another in those conditions. Particular care should be taken to avoid prisoners being subjected to intimidation or bullying.
- 2.6 Where practicable, Indigenous prisoners should be provided with the opportunity to be accommodated in family, community or language groups to provide a supporting



environment.

### Clothing and Bedding

- 2.7 When a prisoner is not allowed to wear personal clothing, the prisoner should be provided with clothing suitable for the climate and adequate to keep them in good health. Such clothing shall in no manner be degrading or humiliating. This may include clothing for general use, work or recreation.
- 2.8 Prisoners who are removed from the prison to attend court shall be permitted to wear appropriate personal (non-prison) clothing. Consideration should also be given to prisoners being able to wear their own clothing if they are granted permission to leave the prison. However, prisoners who are required to undertake work outside the prison under the supervision of an officer, may be required to wear prison-issue clothing.
- 2.9 If prisoners are allowed to supplement prison issue clothing with personal clothing, arrangements should be made to ensure that they are able to keep it clean and fit for use.
- 2.10 All clothing should be clean and kept in proper condition.
- 2.11 Prisoners engaged in paid employment outside the prison should, where practical be able to wear clothing supplied by the employer.
- 2.12 Every prisoner should be provided with a separate bed and sufficient bedding. This bedding including mattress should be clean when issued, kept in good order, and changed often enough to ensure its cleanliness.

### Smoke Free Zones

- 2.13 As far as practicable, prisons should provide and promote a smoke free environment.

### Food and Water

- 2.14 Every prisoner should be provided with continuous access to clean drinking water and with nutritional food adequate for health and well being, at the usual hours prepared in accordance with the relevant health standards.
- 2.15 Special dietary food should be provided where it is established such food is necessary for medical reasons, on account of a prisoner's religious beliefs, because the prisoner is a vegetarian, or where the prisoner has other reasonable, special needs.

### Religious and Spiritual Needs

- 2.16 Prisoners should have the right to practise a religion of their choice and, if consistent with prison security and good prison management, join with other persons in practising that religion and possess such articles as are necessary for the practice of that religion.
- 2.17 Indigenous prisoners should be allowed access, where possible, to elders who are recognised as elders or leaders of their community to address the emotional and spiritual needs of Indigenous prisoners.
- 2.18 If the prison contains a sufficient number of prisoners of the same religion, a qualified representative of that religion should be able to be appointed or approved.

- 2.19 A qualified representative appointed or approved as above should be allowed to hold regular services and to pay pastoral visits in private to prisoners of the appropriate religion at the proper time, subject to the security and good order of the prison.
- 2.20 Spiritual beliefs and needs of Indigenous prisoners should be taken into account when managing the welfare of these groups of prisoners during times of individual, family or community crisis.

#### Celebratory meals

- 2.21 Where appropriate and practical, prisoners should have the opportunity to participate in religious and cultural events or celebrations.

#### Psychological Services and managing Prisoners' Stress

- 2.22 Prisoners who are identified as being at risk of self-harm should be placed under a management regime appropriate to their individual needs that is designed to ensure their well-being.
- 2.23 Prisoners placed under a special management regime should not be denied access to privileges or entitlements other than those necessarily removed for their own protection, and such removal should be for the minimum time necessary. Prisoners should only be segregated as a last resort in order to prevent self-harm or suicide and should be closely monitored.
- 2.24 Prisoners should have access to a professional counselling service provided by appropriately qualified persons and available at least during normal working days. Prisoners placed at work camps or remote locations where such services are not always available should be advised of the fact before transfer.
- 2.25 Consideration may be given to the use of family or identified community members for the support of Indigenous and CALD prisoners to manage self-harm and other psychological issues or episodes.

#### Earned Gratuities and Approved Purchases

- 2.26 Prisoner monies are to be recorded, stored, transferred and controlled in an effective manner.
- 2.27 The prison should provide a means for prisoners to purchase approved items such as: approved foods, drinks, postage stamps and hobby items.
- 2.28 The prison may also provide that a part of the earnings may be retained by the administration so as to constitute a savings fund to be handed over to the prisoner on his/her release.

#### Drugs and Other Illicit Substances

- 2.29 Prison systems should have a comprehensive and integrated drug strategy that seeks to prevent the supply of drugs into prison, reduce the demand for drugs and minimise the harm arising from drug use in prisons through education, treatment and enforcement.
- 2.30 Systems that are used to test prisoners for the presence of drugs and other illicit substances should be used in ways that comply with appropriate relevant standards to

ensure the integrity of the testing procedure and the results.

### Health Services

- 2.31 Every prisoner is to have access to evidence-based health services provided by a competent, registered health professional who will provide a standard of health services comparable to that of the general community. Notwithstanding the limitations of the local-community health service, prisoners are to have 24-hour access to health services. This service may be on an on-call or stand by basis.
- 2.32 Every prisoner is to have access to the services of specialist medical practitioners and services relevant to their needs. Referral to such services should take account of community standards of health care.
- 2.33 Every prisoner is to be medically examined by a suitably qualified health professional within 24 hours after being received into prison, and thereafter as necessary.
- 2.34 Where a prisoner is found to have an infectious disease, the prisoner should be managed by health services so as to minimise the possibility of contamination of the prison environment and, where clinically appropriate, before the prisoner is permitted to mix with other persons and enter the normal prison routine.
- 2.35 Prisoners who are isolated for health reasons shall be afforded all rights and privileges that are accorded to other prisoners, where practicable and so long as such rights and privileges do not jeopardise the health of others.
- 2.36 All prisoners who have a medical complaint shall be seen by a health professional at intervals appropriate to the diagnosis and prognosis in each case, according to good medical practice.
- 2.37 Health professionals should advise the officer in charge of the prison whenever it is considered that a prisoner's physical or mental health has been, or will be, injuriously affected by continued imprisonment or by any condition of imprisonment, including where a prisoner is being held in separate confinement. The officer in charge of the prison should immediately make a written report of such advice available to the appropriate senior officer with a view to effecting an immediate decision upon the advice that has been given. A copy of the health professional's report should be placed on the prisoner's medical file.
- 2.38 Prisoners should be able to receive treatment from private health professionals, provided they can meet the costs and there are reasonable clinical grounds for granting the application and that the request falls within the relevant statutory requirements.
- 2.39 Prisoners are not to be the subject of unreasonable medical or scientific research that may be injurious to their health. Reasonable research is defined as where informed consent is given by the prisoner and where approval has been given by a properly constituted health research ethics committee, such as according to National Health Medical Research Council Standards.
- 2.40 Where a prisoner is under medical treatment upon being received into prison, that prisoner should be permitted to maintain contact, on the approval of the prison health service, with the medical service that was treating the prisoner previously.
- 2.41 Prisoners who are diagnosed with a severe psychiatric illness should be managed by an appropriate tertiary or specialist health care facility.
- 2.42 Prisoners who are diagnosed with mental illness or an intellectual disability should be

provided with appropriate management and support services.

- 2.43 Persons should not be remanded to prison custody solely for psychiatric or intellectual disability assessment.
- 2.44 Where a prisoner enters or is released from prison and is under medical or psychiatric treatment, where appropriate, the prison health service should make arrangements with an appropriate agency for the continuation of such treatment after release.
- 2.45 Pre-natal and post-natal treatment and accommodation should be made available to female prisoners, where practicable.
- 2.46 Arrangements are to be made for prisoners to give birth in a hospital outside the prison. If a child is born in prison, this fact should not be recorded on the birth certificate.
- 2.47 The confidentiality of medical information shall be maintained to preserve each prisoner's individual entitlement to privacy. However, medical information may be provided on a 'need to know' basis:
- with the consent of the prisoner; or
  - in the interest of the prisoner's welfare; or
  - where to maintain confidentiality may jeopardise the safety of others or the good order and security of the prison.

#### Notification of Death, Serious Illness or Transfer

- 2.48 Upon death, serious illness or injury of a prisoner, or a prisoner's removal to an institution for the treatment of mental illness, the manager should, as soon as practicable, arrange for the information to be conveyed to the person designated as the next of kin or contact person.
- 2.49 All prisoner deaths are to be notified to the Coroner immediately.
- 2.50 In the case of an Indigenous prisoner, the Aboriginal Legal Service and any Aboriginal spiritual advisers are also to be advised.
- 2.51 A prisoner shall be informed as soon as practicable of the death or serious illness or injury of a near relative. In the case of a life-threatening illness where death may be imminent, consideration should be given to authorising the prisoner, wherever practicable and subject to security, to visit the bedside either under escort or alone. Similarly, consideration should be given to authorising a prisoner to attend the funeral of a near relative, wherever practicable and subject to security.

#### Physical Sport and Recreation

- 2.52 Where practicable and weather permitting, prisoners should be allowed access to open air for at least one hour every day.
- 2.53 Wherever possible, prisoners should be allowed access to a range of sports, recreational and cultural activities.
- 2.54 Prisoners should have access to a library, adequately stocked with both recreational and information resources, which is operated according to standard library practice. Prisoners should be encouraged to make full use of the library.

- 2.55 Prisoners should have access to computers for legitimate study purposes - however, internet access should be strictly controlled.

#### Personal Hygiene

- 2.56 Prisoners should be encouraged to keep themselves clean and should be provided with ablution facilities that are adequate to meet their health and cleanliness needs.
- 2.57 Prisoners should be provided with toiletries or the means to purchase toiletries.

#### Children Residing in Prison

- 2.58 If the Administering Department provides for children and infants to reside with their primary care giver in prison, comprehensive and well structured policies and programmes should be developed where the interests of the children are paramount.
- 2.59 Assessment processes for determining the placement of a child in a custodial environment should include appropriate input from the relevant external agencies.
- 2.60 Children and infants should be allowed to reside with their primary care giver in prison only after the Administering Department is satisfied that it is in the best interest of the child/ren to do so and there is no mechanism for the primary care giver to complete her/his sentence in the community (for example via home detention).
- 2.61 The accommodation for primary care givers and their children should, wherever possible be domestic rather than custodial.
- 2.62 While prisoners are responsible for the care of their children living in the prison, the Administering Department should take reasonable steps to ensure a safe environment for children.

#### Interstate and International Transfer of Prisoners

- 2.63 Where there are transfer arrangements in place between the Administering Department and other jurisdictions, prisoners should be provided with information and the means to apply for transfer.

#### Special or Complex Needs of Offenders

##### Prisoners with a Disability

- 2.64 Prisoners with a disability should have access to prison services and programmes, and the opportunity to participate equally in prison life as far as possible.
- 2.65 Prisoners with a disability should be accommodated in a safe, secure environment which provides them with assistance to adjust to the prison environment, and with programmes, which address their individual needs and their offending behaviours where possible.

### 3. REHABILITATION

#### Case Management and Throughcare

- 3.1 Each Administering Department should administer a system of individual case management of prisoners that enables the assessment, planning, development, co-ordination, monitoring and evaluation of options and services to meet the individual needs and risks of persons as they move between community corrections and prisons.
- 3.2 Where possible, case management systems should be consistent across all sections of the Administering Department, so that a relatively seamless approach to the management of people occurs across community corrections and prisons in conjunction with court recommendations and orders.
- 3.3 Appropriate case management records should be established and maintained.
- 3.4 All sentenced prisoners other than those serving a very short term, should have a sentence plan (or case plan) developed as soon as practical after receipt into custody. The prisoner should be encouraged to actively participate in the development of their individual plan.
- 3.5 Case plans, including classification and placement plans of prisoners, should be regularly reviewed allowing for the prisoner as well as staff to provide updated information and should contain measurable and achievable short term and long term goals.

#### Rehabilitation Programmes and Education

- 3.6 Prisoners should be provided with access to programmes and services, including education, vocational training (and employment), that enable them to develop appropriate skills and abilities to support reduced re-offending when they return to the community.
- 3.7 Prisoners should be actively encouraged through appropriate programmes and staff interactions to accept full responsibility for the consequences of their offending behaviour.
- 3.8 Prisoners who are approved to be full time students should be remunerated equivalently to prisoners who are employed in full-time work.
- 3.9 A high priority should be accorded to programmes addressing literacy and numeracy. Relevant prisoners should be encouraged to engage in such programmes but should not be compelled.
- 3.10 Programmes and services provided to address criminogenic needs should be based on best practice and have solid evidence as to their efficacy.
- 3.11 All programmes should be periodically evaluated in relation to the achievement of their objectives and the views and experiences of prisoners.
- 3.12 Where an Administering Department makes use of community resources for the assessment, treatment, counselling, education and training of prisoners, the Department should regularly assess and monitor the service provided by such agencies to ensure that the quality is adequate and consistent.

- 3.13 The involvement of the community in assisting the prison workforce in the development and maintenance of programmes should be encouraged.
- 3.14 Programmes and services provided to prisoners, especially women, Indigenous prisoners and prisoners from culturally and linguistically diverse backgrounds, should be established following close consultation with the appropriate community groups and experts.

#### Pre-release programmes

- 3.15 Prisoners, particularly longer-term prisoners should be provided with programmes and services that will assist them make a successful transition from custody to community life.
- 3.16 Such programmes and services should address such matters as housing, employment and community support and should be developed in conjunction with community corrections where appropriate.
- 3.17 Where appropriate, pre-release programmes should include work release, day leave, weekend leave, education and family leave and where possible provide prisoners with opportunities to engage in sustained paid employment.
- 3.18 After care services should assist former prisoners to address their practical needs relating to resettling in the community. Prisoners should be provided with suitable clothes on their release and have sufficient funds or means to reach their destination and to sustain themselves in the immediate period following release.
- 3.19 After-care programme staff should have access to prisoners during their sentence.

#### Community Contact including Visits

- 3.20 Prisoners shall be able to access news of the outside world daily, and keep themselves informed through a variety of media approved by the prison management.
- 3.21 Contact between prisoners and the community should be encouraged in recognition of the important role families have in assisting the reintegration of prisoners back to the community upon release and the advantages to be gained from reducing the isolation of prisons and prisoners from the community.
- 3.22 Prisoners should be encouraged and where practicable, assisted to develop and maintain their family ties and relationships through visits to the prisoner by family and friends and community leaders, and through the controlled use of telephones and letters.
- 3.23 Where possible, prisoners should be permitted a minimum of one visit each week. Where practicable, further visits may be permitted.
- 3.24 Unconvicted prisoners should be permitted increased visits where practicable and where to do so does not unfairly restrict the visits of other prisoners.
- 3.25 Effective systems should be implemented to control access to the prison, including the identification of all persons entering the prison.
- 3.26 Visitors should be treated with respect and visiting facilities should be provided that are conducive to prisoners receiving visitors in as dignified a manner as is consistent with the security and good order of the prison.

- 3.27 Where possible, proper planning and booking arrangements should be established to minimise visitors waiting to commence a visit and to enable the length of visits to be extended, subject to not disadvantaging other prisoners and visitors.
- 3.28 Unless there is a breach of security, rules or protocols directly associated with a visit, all prisoners should be permitted to have direct contact with their visitors.
- 3.29 The arrangements for visits should take into consideration different family structures particularly in relation to Indigenous or other culturally and linguistically diverse prisoners.
- 3.30 Prisoners should not be denied access and/or visits with their children, unless the access is not in the best interests of the child/ren.
- 3.31 Where possible, prisons should provide for visitors to take refreshments in the company of prisoners and for suitable play facilities, equipment and toys to be made available for visiting children.
- 3.32 The searching of visitors should only be implemented as part of a strategy to deter and detect contraband entering the prison. Searching should never be used as a punishment.
- 3.33 The strip-searching of visitors should be conducted by a person of the same gender and with due regard to protecting the dignity of the person being searched.
- 3.34 The searching of children under the age of 16 should only be undertaken with the consent of the child's parent or guardian and in the presence of an adult nominated by the child or the child's parent or guardian.
- 3.35 Prisoners who are foreign nationals, refugees or stateless persons should be allowed reasonable facilities to communicate with the diplomatic and consular representatives of the country to which they belong, or the national or international authority whose task it is to protect them.



## 4. REPARATION

### Prisoner Work

- 4.1 Industry within prisons should be consistent with the National Code of Practice on Prison Industries and National Competition Policy.
- 4.2 Prisoners should have access to a range of productive employment and facilities which provide them with the opportunity to utilise their time in prison in a constructive and beneficial manner. Prison labour should not be of an afflictive nature.
- 4.3 Prisoners should be remunerated for their work according to a preset scale that recognises different levels of skill and effort.
- 4.4 All sentenced prisoners should be expected to work, subject to their physical and mental capacity, but the maximum number of hours of work for prisoners should be prescribed in legislation or rules.
- 4.5 Occupational health and safety standards should be rigorously enforced in all prison work.
- 4.6 Provision should be made to indemnify prisoners against industrial injury, including industrial disease.
- 4.7 Part of the revenue generated from prison industries should be channelled back into prison infrastructure and programmes for prisoners in order to offset the costs of imprisonment to the community.
- 4.8 Wherever possible, prisoners should be employed to undertake as much of the cooking, cleaning, gardening and routine maintenance as is consistent with reducing the costs of imprisonment to the community.
- 4.9 The prisoner work force should be provided with a 'Code of Conduct' that prescribes a set of guiding principles and duty of care obligations which assist them in determining acceptable workplace conduct.

### The Development of Work Skills

- 4.10 Work should provide opportunities for prisoners to acquire skills that are in demand in the employment market so they have real employment opportunities upon release.
- 4.11 Prison employment should offer opportunities to achieve national competency accreditation.
- 4.12 Work opportunities should be free of gender stereo-typing and be designed to reflect the needs of different minority groups within the prisoner population.
- 4.13 Provision should be made for prisoners to be released from work to attend approved programmes and education.

### Work that Contributes to the General Good of the Community

- 4.14 Wherever possible, prisoners should be employed in work that provides a specific benefit to the community.

- 4.15 Where such work is undertaken in the community, only prisoners assessed by the Administering Department as posing minimal risk to the community should be allowed to participate. The management and supervision of prisoners performing such community work should be commensurate with the complexity of the tasks to be undertaken and the number of prisoners requiring supervision.

## **5. SYSTEMS MANAGEMENT**

Systems, policies, and procedures should be evidence-based; transparent; equitably and fairly applied, taking into account the principles of procedural fairness; and communicated to those who will be affected by them. Effective version control should be applied.

- 5.1 A professional staff workforce should be supported by comprehensive and well-maintained information, resource and support systems.
- 5.2 The workforce should adhere to the highest standards of professional competence, integrity, honesty and accountability in the performance of their assigned duties.
- 5.3 The workforce should be appropriately trained, authorised and receive security clearance for the tasks they are required to perform.
- 5.4 The composition of the workforce should provide a gender and ethnicity mix that reflects the prison population where practicable.
- 5.5 Those in the workforce who are engaged for the purpose of providing services within a recognised profession, should possess a relevant qualification from a recognised tertiary institution. Where necessary, this includes membership or registration with a relevant professional body, association or board.
- 5.6 Those in the workforce who are responsible for the supervision of prisoners and security should receive updated training on a regular basis in key functions and competencies.
- 5.7 The workforce should either be in possession of or have direct access to safety equipment or materials relevant to the risks associated with the duties they are undertaking. In the case of those who work in contact with prisoners, they should either wear or have direct access to infectious diseases emergency materials.
- 5.8 Industry-standard fire prevention measures should be in place.

### **Community Involvement**

- 5.9 The effectiveness of the correctional system is improved through openness and transparency of operations. Community stakeholders should be directly involved in the delivery of correctional services and be encouraged to visit prisons.
- 5.10 Inquiries from the community should be dealt with promptly and courteously while respecting the entitlement of prisoners to privacy.
- 5.11 Information about prisoners may only be released with approval of the Administering Department and in accordance with legislation.
- 5.12 The local community should be aware of the role and function of adjacent prisons and

volunteer groups should be encouraged to participate in service delivery and engagement with the prison, where appropriate.

- 5.13 Community and volunteer groups participation in programme delivery and pre-release planning for prisoners should be structured and co-ordinated to emphasise to prisoners their continuing role in the community, as well as supporting their engagement with the community.
- 5.14 Community and volunteer groups or individuals who visit the prison regularly should be provided with a comprehensive orientation and security awareness induction prior to involvement with prisoners.

#### Records Management and Documentation

- 5.15 Official records should be comprehensively and accurately maintained and securely archived.
- 5.16 Current official records should be maintained concerning each prisoner under the jurisdiction of an Administering Department.
- 5.17 Records of prisoners under the custody or supervision of a contracted service provider remain the property of the Administering Department.
- 5.18 Prisoner records should be maintained in a secure location that is not accessible by prisoners or other persons not authorised to access them.
- 5.19 The Administering Department should develop agreements with other relevant agencies concerning the exchange of offending history and other information relevant to the management of prisoners under its custody or supervision.

#### Legislation

- 5.20 The workforce should be trained and assessed regarding their understanding of any legislative powers and authority they may exercise.
- 5.21 The Administering Department should, in a manner consistent with the relevant legislation, establish a set of clear guidelines or instructions for the delivery of its services.
- 5.22 Guidelines and instructions issued by the Administering Department should be readily available to the workforce.
- 5.23 With the exception of matters that may prejudice the security and good order of a prison, guidelines and instructions issued by the Administering Department should be made readily available to prisoners and the public.

#### Performance Management/Inspection

- 5.24 There should be a regular inspection of prisons and prison services by appropriate persons. Their tasks shall be in particular to ensure that these institutions are administered in accordance with existing laws and regulations and with a view to bringing about the objectives of correctional services.
- 5.25 There will be a commitment to continuous improvement in practices and the quality of services provided. To this end, each Administering Department will develop and implement quality assurance processes designed to measure performance against established standards and principles.

## **6. MANAGEMENT OF HIGH RISK INMATES**

There are occasions where the risk profiles of particular persons in custody require additional components for their effective management. Consequently an appropriate management regime should be developed and implemented to ensure the ongoing management and good order of the prison is preserved. In order to effectively manage this cohort, consideration should be given to the following:

- 6.1 An Administering Department may need to establish a designated area(s) that accommodates prisoners who present an ongoing, extreme risk to public safety and / or the good order and security of the prison.
- 6.2. Where such an area is designated an appropriate management regime should be instituted that ensures transparent, accountable and effective management of prisoners accommodated in such areas.
- 6.3. Assessment and placement criteria for admission and discharge from such areas should be clearly stated. Decision making with respect to the placement, management and discharge of prisoners from such areas should be assigned to an appropriately delegated officer.
- 6.4 Restrictions placed on high risk prisoners should be no more than are necessary to maintain safety and security based on an individual assessment of the prisoners risk(s).
- 6.5. Where a high (institutional) risk prisoner requires movement outside a secure environment such movement should be subject to an approved risk based operational plan.