

## Custodial Operations Policy and Procedures

### 3.1 Separation of inmates

#### Policy summary

This policy explains how inmates can be separated from each other under section 78A of the *Crimes (Administration of Sentences) Act 1999* and clauses 33, 34, and 35 of the *Crimes (Administration of Sentences) Regulation 2014*. Inmates can be separated on the basis of:

- Gender – where, in special circumstances, and inmate is held in a centre which does not ordinarily hold house inmates of their gender
- Health – where there is a risk to the general population from infectious or contagious disease
- Status of at-risk from others – but only pending re-classification or re-location
- Affiliation with an outlaw motorcycle gang or organised crime network
- Any other reason, but only with the approval of the relevant Assistant Commissioner Custody (ACC)

#### Management of Public Correctional Centres Service Specifications

Service specification	Safety and security
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## Scope

This section applies to all correctional centres and other facilities administered by or on behalf of CSNSW.

It also applies to all CSNSW employees, and where relevant to other personnel such as Justice Health and Forensic Mental Health Network (JH&FMHN), contractors, subcontractors, and visitors.

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# 1 Separation of inmates

## 1.1 Policy

Separation in accordance with the *Crimes (Administration of Sentences) Act 1999* (the Act) and the *Crimes (Administration of Sentences) Regulation 2014* (the Regulation) occurs when an inmate or groups of inmates are separated if they would be best managed when separated from others. Different classes of inmates can be separated as listed in clauses 33, 34 and 35 of the Regulation.

An inmate or group of inmates in a correctional centre can be placed in separate yards or areas of the correctional centre if that assists the governor to care for, control or manage inmates.

An inmate may be separated under 78A by the governor for up to 14 days. If a longer period is required, governors must receive the approval of the General Manager, State-wide Operations to continue the separation. This approval will be for a further 28 days, and further approval must be sought for each subsequent 28 day period of separation.

Separation is not a form of punishment and should only be utilised as a short term measure. Separated inmates are entitled to rights, privileges and amenities of inmates in normal discipline. Privileges or amenities can only be suspended for proven misconduct.

Under CSNSW policy, individual inmates, or groups of inmates, may be separated on the basis of:

- gender – where, in special circumstances, and inmate is held in a centre which does not ordinarily hold house inmates of their gender
- health – where there is a risk to the general population from infectious or contagious disease
- status of at-risk from others – but only pending re-classification or re-location
- affiliation with an outlaw motorcycle gang or organised crime network
- other reasons, but only with the approval of the Assistant Commissioner, Custodial Corrections

Separated inmates must be properly managed if they are at risk of self-harm (**refer to COPP section 3.7 Management of inmates who are at risk of suicide or self-harm**).

## 1.2 Procedures for section 78A placement applications (initial 14 day)

	Procedure	Responsibility
1.	Complete the annexure <i>Assessment tool: Inmate under threat</i> to assist in a determination of the inmate's management. Place a copy of the assessment on the inmate's CMF.	Authorised officer
2.	If the <i>Assessment tool: Inmate at risk</i> indicates that	Authorised

	Procedure	Responsibility
	<p>separation is the best management option, complete the annexure <i>78A initial placement</i> and include the following details:</p> <ul style="list-style-type: none"> <li>the name and Master Index Number (MIN) of the inmate to be separated</li> <li>the reason for the separation</li> <li>the location where the inmate will be housed</li> <li>the date that the separation commences and expires (no more than 14 days).</li> </ul> <p>Forward the <i>78A initial placement</i> to the Functional Manager (FM) for endorsement.</p>	officer
3.	<p>Decide if application is supported and include additional comments if required.</p> <p>Forward to Governor for approval.</p>	FM
4.	<p>Decide if the <i>78A initial placement</i> is approved or not approved. Note the period of separation (no more than 14 days).</p> <p>If approved, ensure details, including the start and finish dates, are entered in OIMS <i>Case Management &gt; Management Program</i> and a copy placed in the CMF.</p>	Governor or delegate

### 1.3 Procedures for extension of 78A placement beyond 14 days

	Procedure	Responsibility
1.	<p>If more than 14 days of separation is required, forward annexure <i>78A placement review</i> to GM, State-wide Operations for continued approval (the annexure, with further details of the required extension, must be sent before the expiry of the initial 14 days).</p>	Governor
2.	<p>Decide if the <i>78A placement review</i> for a further 28 days is approved or not approved.</p> <p>Return application to correctional centre Governor.</p>	GM, State-wide Operations
3.	<p>Enter details of the application, including the start and finish dates, in OIMS <i>Case Management &gt; Management Program</i> if the application for 28 day extension has been approved, and place a copy in the CMF.</p>	FM
4.	<p>Ensure that there is a Local Operating Procedure (LOP), which includes a process for review for the separation of inmates under section 78A before the end of the expiry period.</p>	Governor

## 1.4 Objections and complaints about separation

An inmate can object or complain about any condition of their imprisonment, including their separation. Their reasons for objecting or complaining should be in writing and sent to the Custodial Director (CD).

The Director must respond in writing to the governor within 14 days explaining how the complaint will be dealt with and the reasons for the decision. The governor must inform the inmate of the decision.

## 1.5 Visits to 78A inmates

An inmate separated under 78A is not to be deprived of any rights or privileges other than those deemed necessarily incidental to the holding of the inmate in 78A placement. This includes access to contact visits from family and friends (provided this does not override other security designations, such as EHRR – (see COPP **3.5 HS, EHS, EHRR, NSI, AA, ETIMC and Cat 5**).

Governors must make every effort to accommodate contact visits for inmates in 78A placement. However, if this is not possible within operational limitations of the correctional centre, nothing in the legislation prevents the use of the non-contact visits area if this is necessary in order to keep these inmates separated from the general inmate population.

# 2 Separation of mentally ill inmates

## 2.1 Policy

All instructions and responsibilities set out in this policy apply irrespective of the inmate's mental health.

However, where an inmate with a mental illness, or who is suspected of suffering from a mental illness, is placed separated under 78A in isolation, they must be managed collaboratively with JH&FMHN to ensure their safety. Risks to their wellbeing must be identified, assessed and managed.

JH&FMHN staff have their own guidelines for assessing isolated inmates. The assessment may involve checking the inmate's medical file for evidence of a mental illness and interviewing the inmate. CSNSW personnel must assist JH&FMHN in this process, and give them prompt access to the inmate and the inmate's CMF.

CSNSW personnel must also inform the assessing JH&FMHN nurse of any other relevant information or intelligence involving the inmate that would impact on the assessment. This may include information such as an impending transfer or deportation, death or illness of a family member or friend, a change in the inmate's classification or any recent irrational behaviour or offences in custody.

## 2.2 Procedures

Procedure	Responsibility
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1.	Notify Nursing Unit Manager (NUM) or the Nurse in Charge (NIC) by telephone or in person immediately if an inmate with a mental illness, or who is suspected of suffering from a mental illness, is separated in isolation. If JH&FMHN nursing staff are not on duty, the After Hours Nurse Manager (AHNM) must be informed, and the NUM or NIC immediately informed once they commence duty.	Governor
2.	Give the NUM, NIC or AHNM a brief explanation of the circumstances of the 78A separation and of any special risks the inmate may present to their safety or security.	Governor
3.	Record on the <i>78A Placement</i> the date, time and name of the nurse who was informed.	Governor
4.	Notify NUM, NIC or AHNM immediately if anyone notices: <ul style="list-style-type: none"> <li>the inmate displaying unusually adverse, irrational or problematic behaviour; or</li> <li>the inmate needs medical or psychiatric care; or</li> <li>the inmate's condition deteriorates.</li> </ul>	Governor/ Authorised officer
5.	Assess the inmate within 24hours.	JH&FMHN
6.	Determine whether the inmate's mental health can be managed while the inmate continues to be separated in isolation. Advise the Governor of this determination in a <i>Health Problem Notification Form</i> (HPNF).	JH&FMHN

If the assessment is that **the mental health problem is manageable while in separation:**

	Procedure	Responsibility
1.	Develop a joint management plan including: <ul style="list-style-type: none"> <li>details of those behaviours that if observed, would constitute a deterioration in the inmate's mental health and activate an unscheduled review; and</li> <li>how behavioural changes will be managed.</li> </ul>	Authorised Officer and JH&FMHN
2.	Enter a medical alert on OIMS with reference to the Management Plan.	Authorised Officer

If JH&FMHN believe the **inmate's mental health is likely to deteriorate while in separation:**

	Procedure	Responsibility
1.	Review the 78A placement in response to this advice and how it might affect security and or the safety of personnel and other inmates.	Governor
2.	If the Governor believes that separation is still necessary, they	Authorised

(or an authorised officer) must meet with the NUM or NIC immediately and plan for the inmate's care including details for:	Officer and JH&FMHN
<ul style="list-style-type: none"> <li>the level of custodial observation and supervision</li> <li>the level of nursing observation</li> <li>ongoing regular access to mental health professionals and if necessary, placement in the Long Bay Hospital; and</li> <li>managing the risks to security and safety of personnel and other inmates.</li> </ul>	

**Note:** Where an inmate with a mental illness is at risk of self-harm or suicide, a *Mandatory Notification form* must be raised in accordance with **COPP section 3.7 Management of inmates at risk of suicide or self-harm.**

If an inmate with an identified mental health illness is to have the separation placement extended:

	Procedure	Responsibility
1.	Inform JH&FMHN at least one week before the expiration date if an extension to the placement is being considered.	Governor
2.	Allow for JH&FMHN to arrange for the inmate to be examined by a psychiatrist well before the current placement expires to assess the inmate's mental health and the risks to the inmate's mental health of continued segregation.	Governor
3.	Following the psychiatric recommendation, advise the Governor of any further psychiatrist's recommendations affecting the management of the inmate on a <i>Health Problem Notification Form</i> .	NUM/NIC
4.	Note any psychiatric recommendations on the correctional centre's request for a continuation of 78A placement	Governor

### 3 Quick links

- [Related COPP](#)
- [Forms and annexures](#)
- [Related documents](#)

### 4 Definitions

Authorised officer	The officer authorised by the Governor to perform the functions set out in this part of the Custodial Operations Policy and Procedure Manual
ACC	Assistant Commissioner, Custody
CD	Custodial Director
CMF	Case Management File



COPP	Custodial Operations Policy and Procedures
CSNSW	Corrective Services NSW
FM	Functional Manager
EHS	Extreme High Security
EHRR	Extreme High Risk Restricted
Immediate Action Plan	A plan for addressing the real and immediate risk that is being posed to the inmate, e.g. implementing a short term management plan, separation, assessment for protection, NA
LOP	Local Operating Procedure
MIN	Master Index Number
NSI	National Security Interest
OIMS	Offender Integrated Management System
Protective Custody	A direction from the Commissioner (or delegate) that an inmate be held in protective custody if of the opinion that the association of the inmate with other inmates constitutes or is likely to constitute a threat to the personal safety of the inmate.
SMAP	Special management area placement

## 5 Document information

<b>Business centre:</b>	Custodial Operations	
<b>Approver:</b>	Kevin Corcoran	
<b>Date of effect:</b>	16 December 2017	
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<b>Version</b>	<b>Date</b>	<b>Reason for amendment</b>
1.0		Initial publication ( <i>Replaces section 14 of the superseded Operations Procedures Manual</i> )
1.1	5/04/19	General Manager, Statewide Operations can now decide whether to approve Separation applications
1.2	12/03/20	General formatting update and improvements
1.3	30/10/20	<p>The reasons for separation under 78A have been limited in 1.1 <i>Policy</i>.</p> <p>The Governor may only separate an inmate for a period up to 14 days (1.2 <i>Procedures for section 78A placement applications (initial 14 day)</i>).</p> <p>The GM State-wide Operations may approve an extension of up to 28 days.</p> <p>An inmate may appeal against separation to the Director, Custodial Operations.</p>
1.4	15/08/23	Updates in line with CSNSW restructure: renaming of Assistant Commissioner Custodial Corrections (ACCC) to Assistant Commissioner, Custody (ACC); renaming of Director of Custodial Operations to Custodial Director (CD); and deletion of reference to S&I.
1.5	13/11/23	Addition of subsection 2 <i>Separation of mentally ill inmates</i>