

**INFORMATION FOR ODPP/COURTS ON OPTIONS FOR  
OFFENDERS  
WHO REQUEST PROTECTIVE CUSTODY –  
LIMITED ASSOCIATION & NON ASSOCIATION**

**BRIEF:** To provide information/options for Courts,  
(Judges & Magistrates) / ODPP:

- a. *Procedure when an inmate requests Protection in custody*
- b. *What placement options are available for inmates and security ratings required for specific Correctional Centres*
- c. *What Programs are available for inmates in protective custody*

Inmates will be received from police and court cells, managed by CSNSW officers, who may be at risk of harm from other inmates. Some of these inmates believe they are at risk of harm from other inmates and others will have been identified by the OIC police or court cells as possibly being at risk of harm from other inmates.

CSNSW as custodian of inmates has a duty of care to prevent injury to inmates. Particular care must be taken by CSNSW staff to assess the risk of injury to an inmate which may be caused by fellow inmates. Where the risk assessment indicates that the placement of an inmate in normal routine would pose an unnecessary risk to an inmate's safety, then appropriate strategies need to be developed and implemented to mitigate or remove the risk.

#### **A. PROTECTIVE CUSTODY PROCEDURES**

##### **Protective Custody Direction**

Section 11 of the *Crimes (Administration of Sentences) Act 1999*, authorises the Commissioner or a Governor /General Manager (delegate) to direct 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/s to the personal safety of the inmate.

Section 11(3) of the *Crimes (Administration of Sentences) Act 1999*, authorises the Governor/General Manager (delegate) of a correctional centre to place an inmate in protective custody at the request of the inmate (in writing). The Governor/General Manager (delegate) must revoke the protective custody direction if the inmate so requests (in writing).

**Note:** *If an inmate is held in a Special Management Area Placement (SMAP), or is subject to a direction under Section 11(2), and requests to come off protective custody, and the Governor/ General Manager (delegate) believes that a threat/s still exists in relation to the inmate's personal safety, then the Governor/ General Manager (delegate) should raise a protective custody direction under Section 11(1) of the Act.*

### **Special Management Area Placements (SMAP)**

This is a location / area within a centre where protective custody inmates may be housed following an assessment of their individual circumstances. Such decisions are usually made as part of the reception process or following receipt of a written application from the inmate. The Senior Assistant Superintendent must endorse all such placements.

### **Protection Limited Association (PRLA) Areas**

These are also locations / areas within a correctional centre that are can be utilised to accommodate protective custody inmates. The main difference between a SMAP and a PRLA is that inmates placed in a limited association area will have association issues with other normal protection inmates. A protective custody direction is therefore required.

### **Protection Non Association (PRNA) Areas**

These are single accommodation cells used for inmates who otherwise can not be accommodated in SMAP or PRLA areas. The placement of an inmate in a non-association cell should not be automatic and such decisions should only be made following a full assessment of all the factors/issues pertaining to the inmate's circumstances.

## **GENERAL**

### **Criteria for protective custody direction**

An inmate can be placed in protective custody in one of two ways - either:

- a) at the General Manager's (delegate) direction if, it is his/her opinion the association of this inmate with other inmates constitutes, or is likely to constitute a threat to the personal safety of the inmate; or
- b) at the request of the inmate.

**Note:** Inmates who request protective custody must do so in writing to the Commissioner.

### **Effect of protective custody direction**

An inmate who is subject to a protective custody direction must be detained:

- a) in isolation from other inmates;
- b) in association only with other like inmates as the General Manager (delegate) may determine.

The General Manager (delegate) must ensure that an inmate who is held in protective custody:

- a) is not to suffer any reduction of diet, and
- b) is not to be deprived of any rights or privileges other than those determined by the Commissioner under section 12 of the Act, and other than those deemed necessarily incidental to the holding of the inmate in segregated or protective custody.

### **Protective custody - at the request of the inmate**

- 1) The General Manager (delegate) may direct that an inmate be held in protective custody in accordance with the inmate's written request to the Commissioner.
- 2) The Assistant Commissioner (under delegation) must, within 7 days of receipt of the *Review of Protective Custody – 3 Months Report (includes 14 days)* (at the inmate's request), review the General Manager's (delegate) report and either revoke, confirm or amend the protective custody direction.

### **Protective custody - not at the request of the inmate**

#### **Separation of inmates 'under threat'**

An inmate who is under threat because:

- a) they have informed on another inmate/s;
- b) have given or are about to give evidence against another inmate; or
- c) are considered 'under threat from another inmate/s';

must be separated from possible contact with other inmate(s).

**Note:** This process also applies when an external agency that is party to this protocol, (e.g. The Australian Crime Commission, NSW Police, The Independent Commission against Corruption etc), reports an inmate 'under threat'.

### **On Reception – Unconvicted and Convicted Inmates**

If the inmate has expressed concerns about their personal safety, which may necessitate protective custody or special management to court staff, the court officer is to note the concerns on the *Inmate Identification & Observation* form

and tick the interview for placement box on the lodgement page. The inmate must then be managed taking into account his/her potential protective status until transferred to a correctional centre.

Every reception inmate seeking protective custody must be seen by a screening officer/CMT (reception). The officer/CMT (reception) must discuss with the inmate the full ramifications of applying for protective custody and carry out an assessment of the inmate's statement and/or circumstances.

The senior reception room/senior intake officer will undertake this responsibility if the inmate seeking protective custody is received when there is no screening officer/CMT (reception) available (after hours). In such situations, the decision on the inmate's status must be deferred to the next morning/occasion when the inmate can be formally seen by the screening officer/CMT (reception).

If the inmate's offence/circumstances are such that a determination can be made immediately, the senior reception room/senior intake officer must make a full appraisal of the inmate's placement. Wherever possible, other options (e.g. transfer to another centre) should be considered rather than placing the inmate into a special management area or raising a protective custody direction.

#### **Transfer of Special Management Area Placement (SMAP) inmates**

When a SMAP inmate is moved from a special management area (where no direction is required) to another correctional centre, then the sending General Manager (delegate) must assess the potential risk or danger to the inmate during the period s/he will be in transit.

#### **B. WHAT PLACEMENT OPTIONS ARE AVAILABLE FOR INMATES REQUIRING PROTECTIVE CUSTODY AND WHAT SECURITY RATINGS ARE REQUIRED FOR SPECIFIC CORRECTIONAL CENTRES?**

Corrective Services NSW (CSNSW) has a number of nominated correctional facilities in which inmates who have been identified as requiring Protective Custody can appropriately be located in and housed, both as a Remand/Sentenced status.

Certain correctional centres have the ability to accommodate inmates who initially have been identified as requiring protection status, but will not require this care in placement once transferred to their goal of classification. Careful consideration is taken into account when an inmate is classified and a security rating allocated, along with a placement decision being made. This is completed by way of a Case Management Team meeting-taking place, which involves the inmate and nominated staff that discusses relevant issues with the inmate, which also involves the continued care in placement status on protection.

## **CORRECTIONAL CENTRES AND CRITERIA FOR PLACEMENT OF INMATES REQUIRING PROTECTIVE CUSTODY AS AT AUGUST 2007**

- **Metropolitan Remand Reception Centre (MRRC) (Remand Status)**

The MRRC is the main Reception Centre within the Sydney metropolitan region. This Centre will receive newly sentenced or remanded inmates from the Courts and Police. It is at this centre that the Protective Custody status will be discussed with the inmate.

The MRRC is a maximum-security institution for males. In conjunction with the Silverwater and Silverwater Women's Correctional Centres it forms part of the Silverwater Correctional Complex, Australia's largest correctional centre complex, located 21km west of the Sydney central business district.

Address: Holker St, Silverwater NSW 2128 Ph: (02) 9289 5600

- **Parklea Correctional Complex (Remand Status)**

Parklea Correctional Centre is a maximum / medium security institution for male offenders, located 40km north-west of the Sydney central business district. The centre also incorporates a low security work release centre for inmates nearing release.

Address: 500 Sunnyholt Rd, Blacktown NSW 2148.  
Phone Number (02) 9626 7122

- **Metropolitan Special Program Centre Area 1 (Transit Sentenced/Remand –Maximum & Medium security)**

Located at the Long Bay Correctional Complex, which is located 14km south of Sydney's central business district. It comprises one institution being maximum/medium security for transit sentenced and remand inmates, facilitating medical appointments.

Address: Anzac Parade, Matraville NSW 2036.Ph No: (02) 9661 0033

- **Metropolitan Special Program Centre Area 2 & 3 (Sentenced Minimum Security)**

Located at the Long Bay Correctional Complex, which is located 14km south of Sydney's central business district. It comprises two institutions: being two minimum-security correctional centres.

Address: Anzac Parade, Matraville NSW 2036.Ph No: (02) 9661 0033

- **Kirkconnell Correctional Centre (Sentenced - Minimum Security (non methadone))**

Kirkconnell Correctional Centre is a minimum-security institution for males located 180km west of Sydney and 30km east of Bathurst in Sunny Corner State Forest.

Address: Sunny Corner Rd, Yetholme NSW 2795 Ph: (02)6337 5219

- **Junee Correctional Centre (Sentenced/Remand - Medium/Minimum Security)**

Junee Correctional Centre is a medium/minimum security institution for males located 450km south-west of Sydney and 40km from Wagga Wagga. It is the only privately operated correctional centre in NSW.

Address: Park Lane, Junee NSW 2663 Ph: (02) 6924 3222

- **Goulburn Correctional Centre (Sentenced/Remand - Maximum/Medium Security)**

Goulburn Correctional Centre is a maximum/medium security institution for males located in the Southern Tablelands, 197km southwest of Sydney.

Address: Maud St, Goulburn NSW 2580 Ph: (02) 4827 2222

- **Lithgow Correctional Centre (Sentenced – Maximum Security)**

Lithgow Correctional Centre is a maximum-security institution for males located 152km west of Sydney in the Blue Mountains. The Centre is at Marrangaroo, 7km west of Lithgow on the Great Western Highway.

Address: 569 Great Western Highway Marrangaroo Lithgow NSW 2790  
Ph: (02) 6350 2222

- **Cooma Correctional Centre (Sentenced - Medium/Minimum Security)**

Cooma Correctional Centre is a medium / minimum-security institution for males located in the NSW southern region. This Correctional Centre has specific entry criteria as it closely inter-transfers with inmates from the Special Purpose Centre (Refer to SPC criteria)

- **Wellington Correctional Centre (Remand/Sentenced - Maximum/Medium & Minimum Security)**

Wellington Correctional Centre is a Maximum/Medium and Minimum security institution for both male and females located in Western NSW region.

Address: Goolma Road, Mudgee – P.O Box 386 Wellington NSW 2820  
Ph: (02) 6840 2885

- **Special Purpose Centre (Remand/Sentenced - Maximum/Medium & Minimum Security)**

Located at the Long Bay Correctional Complex, which is located 14 km south of Sydney's central business district. It is a institution which houses a specific criteria of inmate, and it inter-transfers inmates to DDL/Cooma Correctional Centre on agreement of the committee referred to below.

- **Dawn De Loas Centre (Sentenced Minimum Security)**

Located at the Silverwater Complex within the metropolitan region. It is an institution which houses specific criteria of inmate and it inter-transfers inmates from SPC/Cooma on agreement of the committee referred to below.

An inmate who is under threat may only be considered for placement at the SPC and DDL Centre, subject to a case conference-taking place involving various representatives of the "Inter-Departmental Committee" (IDS), and agreements between members, these representatives are from the CSNSW, Crime Commission, Police Integrity Commission, Australian Federal Police, NSW Police Service & Independent Commission Against Corruption.

There is a specific criterion that is referred to and applies when an inmate has been put forward for placement into the SPC.

- **Metropolitan Special Program Centre Area 2 & 3 Sentenced/Minimum Security)**

Located at the Long Bay Correctional Complex, which is located 14km south of Sydney's central business district. It comprises five institutions: three maximum security and two minimum-security correctional centres.

This particular area of the MSPC will house inmates who are convicted of sexual related offences. The Sex Offender Programs are only available to sentenced offenders of minimum-security rating at this time.

Specific criteria exist for placement.

Address: Anzac Parade, Matraville NSW 2036. Ph No: (02) 9661 0033

- **Wellington Correctional Centre (Sentenced - Medium Security)**

Wellington Correctional Centre is a medium/minimum security institution for male inmates located in western NSW.

Address: Goolma Road, Wellington NSW. Ph: (02) 6840 2800

## **INMATES WITH INTELLECTUAL DISABILITY**

The Department's practice is to place inmates with intellectual disability who are considered to be able to cope adequately into mainstream programs. Those who cannot be provided appropriate duty of care in the mainstream because of particular vulnerabilities such as nature and degree of disability, youth or type of crime or behaviour disorder, or an additional condition such as deafness, will be considered for placement in one of the special units for inmates with intellectual disability. Placement of inmates identified as having an intellectual disability, whether or not they required placement in separate units, must only occur after consultation between the CMT/CCG and the Disability Services Unit.

There are three separate units, two at the MSPC Area 2 and 3 at Long Bay which caters for sentenced and un-sentenced inmates of all security classifications and one at X wing in Goulburn which houses 16 minimum security, sentenced inmates. Inmates in these programs have access to educational, recreational and industries programs. Both units have a CHS nurse and higher than normal input from psychological services.

## **WOMEN REQUIRING PROTECTIVE CUSTODY**

### **Silverwater Women's Correctional Centre**

Silverwater Women's Correctional Centre is a maximum, medium and minimum-security institution for females located 21km west of Sydney's central business district, within the boundaries of the Silverwater Complex, Holker Street, Silverwater. The Silverwater Complex consists of Silverwater Women's Correctional Centre, Silverwater Correctional Centre and M.R.R.C. Silverwater Women's Correctional Centre is the principal Correctional Centre for women in NSW. This Centre will receive newly sentenced or remanded inmates from the Courts and Police. It is at this centre that the Protective Custody status will be discussed with the inmate.

Address: Holker Street, Silverwater NSW 2128 Ph: (02) 9289 5399



- **Dillwynia Correctional Centre (Sentenced/Remand - Medium & Minimum security)**

Located at South Windsor, Dillwynia Correctional Centre can accommodate female inmates that require protection.

Address: 2756 The Northern Road, South Windsor NSW 2756  
Ph: 4582 2222

## **TRANSGENDER INMATES**

A **transgender person** is a person of one sex who:

1. Identifies as a member of the opposite sex by living, or seeking to live, as a member of the opposite sex, or
2. Has identified as a member of the opposite sex by living as a member of the opposite sex, or
3. Being of indeterminate sex, identifies as a member of a particular sex by living as a member of that sex.

A reference to a transgender person also includes a reference to a person who is thought to be a transgender person, so that discrimination against a person on the ground of a person being transgender is unlawful whether the person is in fact a transgender person or not.

A **recognised transgender person** is a person who has undergone sexual reassignment surgery and who has successfully applied for their birth registration and birth certificate to be altered to show their new sex.

Recognised transgender persons must be treated as a member of the sex recorded on their birth certificate. The policy for the management of transgender inmates applies to all correctional centres in New South Wales, and to all court cells, lock-ups and police stations where persons are received into lawful custody by correctional officers.

The policy for the management of transgender inmates is based on the following premises:

- that all inmates are case managed;
- that transgender inmates will be accommodated in a correctional centre of their gender of identification unless it is determined through case management that the inmate should more appropriately be assigned to a correctional centre of their biological gender;

- that placement of transgender inmates in a correctional centre of their biological gender will be assessed through the normal case management process and will be based on:
  - \* the nature of their offence and criminal history (for example crimes of violence - including sexual - against women or children)
  - \* custodial history (for example previous management problems which impacted on the safety of other persons, or the security of the correctional centre)
  - \* perceived risk(s) to the continuing safety of the transgender inmate.

Any person received into the custody of the CSNSW who self identifies as transgender has the right to be housed in a correctional facility appropriate to their gender of identification, subject to the following provisions:

- All transgender inmates will be initially received into the Metropolitan Remand and Reception Centre (MRRRC) for full induction screening.
- Continuing management and placement of transgender inmates will be assessed on an individual basis, through case management.

## **C. WHAT PROGRAMS ARE AVAILABLE FOR INMATES HELD IN PROTECTIVE CUSTODY?**

Every Correctional Centre has a variety of programs and employment opportunities which are available for inmates to access and participate in whilst managed in protective custody. The mix of program participation (education, psychology, alcohol & other drugs) that the inmate should engage in is developed at the Initial Case Management Team meeting upon the inmate's reception into custody.

The case management of inmates is CSNSW policy. It is a collaborative, multi disciplinary process which assesses, plans, implements, co-ordinates, monitors and evaluates options and services to meet an individual's needs. Case management is the process which links all the elements involved in an inmate's management. It unifies procedures and personnel to balance departmental resources and an inmate's needs.

As a management structure it co-ordinates the processes of assessment, case planning, classification, security, as well as linking the roles of individuals - such as Case Offices and Offender Services & Program (OS&P) staff - into teams. As a way of addressing inmates criminogenic needs, case management is a flexible tool for planning goals and monitoring on-going progress. Case management also ensures the documentation of an inmate's interaction with departmental staff in that it provides a record of an inmate's changing needs, security requirements and progress, and so sets the framework in which problems can be addressed. It is the primary structure, which links all the activities of staff and inmates within the correctional environment.

Every inmate will be part of the case management process from the time of reception into CSNSW's custody until cessation of that period of custody and certain parole reporting requirements and supervision.

Case management means the adoption of the following practices:

- treating each inmate as an individual rather than as an anonymous member of a group
- developing case plans which are based on an individual inmate's assessed risk and criminogenic needs
- developing case plans in consultation with the inmate
- ensuring case plans contain clear, achievable goals and time frames with the overall aim of preparing an inmate for re-entering the community
- encouraging positive and significant interaction between staff and inmate and the accurate recording of this on the case management file and electronic case notes.
- recognising and rewarding goal achievements in conduct and behaviour, courses completed, skills acquired, counselling undertaken
- ensuring transparent, equitable and ethical management practices
- appointing Case Officers to inmates where appropriate

- providing specialised assistance, such as language assistance and support for inmates with disabilities, where required
- providing essential information in an appropriate language and format (eg. Interpreter Service for deaf and hearing impaired inmates - Refer section Inmates with Disabilities)
- providing appropriate support for inmates with disabilities (Refer section Inmates with Disabilities)

The focus of case management is on inmates as individuals. All inmates must have a case plan developed for their time in custody, irrespective of the sentence length. The inmate must be part of his/her case plan development process.

The case plan is a description of key issues involved in an inmate's management. It is document prepared by the Case Management Team, with the inmate, and it specifies the tasks, actions, strategies and resources required to work with the inmate. It will require minimal to intensive involvement from the inmate and staff depending on the circumstances and needs of the inmate.

The case plan must be developed bearing in mind the eventual release of the inmate back into the community. It specifies a number of things including:

- any special needs eg, protective custody
- who will be co-ordinating and monitoring the plan
- the indicators used to measure how well goals are achieved
- the nature and frequency of supervision
- the long, medium and short term goals for an inmate
- the sort of changes expected from the inmate and time frames.

In developing an inmate's case plan, staff must take into consideration risk factors (of escape; threat to staff; to other inmates; to self; to the community) and the criminogenic needs of the inmate. Equity needs and any 'political sensitivity' must also be considered.

Inmates must be encouraged to become the prime mover in the case management process in that they develop strategies to address any / all criminogenic needs and reduce assessed risk factors through participation in appropriately focussed programs.

In most cases, inmates are allocated by a Case Management Team to individual members of staff (Case Officers) in a correctional centre (Refer sections Case Management Procedures and Case Management Team). These staff members have responsibility for providing support and, where necessary, assistance to the inmate in fulfilling the requirements of his/her case plan. They have the responsibility, along with other staff, of recording by way of electronic case notes, the inmate's progress towards the goals specified in the case plan. The information contained within these electronic case notes is used to provide evidence of the inmate's progress, as well as suitability for access to programs and services.

The inmates Case Management file is also used in assessing suitability for progression through the classification categories and, in some cases, Parole.

CSNSW's Through-care practice is to be reflected throughout the case management process in the individual case plans of inmates. The continued link to the community is essential in the case planning process. A significant element is the intentions to have inmates who meet the criteria participate in External Leave Program(s) prior to release from custody. Such intention is to be reflected in all case plan developments and reviews throughout the inmate's sentence.

## INFORMATION CONTACT NUMBERS

In addition to above numbers noted, particular information may be obtained by contact with the following;

- **Classification and Placement matters and protection**
  - a. General Inquiries – Assistant Director, Classification & Placement – 9289 5034
  - b. Male Inmates – Manager, Classification & Placement – 9289 2041 (Mob) 0419 435 687
  - c. Female Inmates – Manager, Classification & Placement – 9289 5051 (Mob) 0438 190 408
  
- **Programs Inquiries**
  - a. General Inquiries - Manager, Program Development Unit – 8346 3132 & 8346 3920
  - b. Specific Inquiries – Manager, Offender Services & Programs at particular correctional centre
  
- **Correctional Centre Operational Inquiries**
  - a. General Inquiries – Superintendent, Operations – 8346 1055
  - b. Specific Inquiries – Security Manager at particular Correctional Centre

**Note:** I am currently now attached to the Offender Management and Operations Branch of CSNSW.  
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Document creation date: December 2010