

## Custodial Operations Policy and Procedures

### 3.11 Behaviour management

#### Policy summary

The principles of behaviour management may be instituted in any correctional centre and can be supported by an individual Behaviour Management Plan (BMP) and Behaviour Management Contract (BMC) for an inmate.

A BMP and BMC should be developed by a multi-disciplinary team and must provide clear terms and conditions for an inmate to enable them to lower their risk and facilitate their subsequent progression.

A BMP and BMC must be implemented for a proper purpose. Accordingly, any withdrawal of privileges must be aligned to the specific behavioural management issue to be addressed.

The Commissioner may approve the establishment of a behavioural management area or unit, wherein inmates may progress or regress through various levels according to their assessed risk.

In an approved behavioural management area/unit, an assessment of lower risk may allow the inmate to progress to a level offering increased amenities and activities; an assessment of higher risk may involve a regression and an incidental withdrawal of amenities and activities, without the need of a finding by the Governor of a correctional centre offence.

#### Management of Public Correctional Centres Service Specifications

Service specification	Decency and Respect Safety and Security
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## Scope

This section applies to all correctional centres and other facilities administered by or on behalf of Corrective Services NSW (CSNSW), and all CSNSW employees.

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# 1 Behaviour management

## 1.1 Policy

Effective management of inmate behaviour creates a safer environment for staff, and inmates in CSNSW custody, and contributes to reducing reoffending. Key aspects of managing inmate behaviour include:

- assessing the risks to staff and others arising from the inmate's behaviour
- assigning inmates to an appropriate placement and accommodation
- defining and conveying behavioural expectations for inmates
- effectively supervising their behaviour and managing associated risks.

If an inmate demonstrates behavioural management issues and is unwilling to comply with standard behavioural requirements, more restrictive regimes may be implemented and privileges withdrawn to maintain the good order and security of the correctional centre. If an inmate's behaviour improves, less restrictive regimes may be applied and privileges reinstated.

Restrictive regimes and withdrawal of privileges of this nature must not prevent or be below an inmate's minimum entitlement (e.g. to clothing, bedding, food, time out of cells, visits, and telephone contact) as determined by the Commissioner and within the *Crimes (Administration of Sentences) Act 1999*, and the *Crimes (Administration of Sentences) Regulation 2014*.

Staff can utilise Behaviour Management Plans (BMPs) and Behaviour Management Contracts (BMCs) to manage inmate behavioural issues. To support the implementation of a BMP, a BMC must be made between the inmate and a Functional Manager (FM) or authorised officer.

A BMP and BMC should be developed in consultation with a multi-disciplinary team. For example, an FM developing a BMP and BMC for an inmate and should consult with the centre's Manager Offender Services & Programs (MOSP) or Senior Services and Programs Officer (SSAPO) to ensure the availability of any proposed services and programs to be accessed by the inmate under the BMP and BMC.

Correctional centre management are obliged to ensure that unlawful and inappropriate inmate behaviour is identified, investigated, appropriately and accurately reported and addressed (including bullying, gang identification and any inmate being under the control of any other Inmate). To this end, a BMP should be considered before any review of classification or placement is requested. A Classification Manager may request that a BMP and BMC are implemented prior to any review of classification or placement being undertaken.

For inmates with a disability, the FM or authorised officer developing a BMP and BMC should consult with Statewide Disability Services (SDS). Some inmates with cognitive impairment require a support person present so they understand the BMC. These inmates have an alert stating *"requires a support person if inmate is interviewed as part of a Departmental investigation by Police &/or Corrective Services personnel. To arrange a support person contact SDS (02) 9289 2136, email [SDS@dcj.nsw.gov.au](mailto:SDS@dcj.nsw.gov.au)"*

This policy applies in conjunction with **COPP sections 3.4 Segregation** and **14.1 Inmate discipline**. Inmates may still be subject to segregation and inmate discipline procedures regardless of any BMP or BMCs in effect.

Refer to **COPP section 3.6 Extreme threat inmates** for further information related to these inmates.

## 1.2 Withdrawable privileges

Inmates under a BMP may have privileges withdrawn in response to behavioural management issues (pursuant to section 65A of the *Crimes (Administration of Sentences) Act 1999*). Withdrawal of these privileges is not a withdrawal as a result of a finding of guilt in regards to a correctional centre offence. Correctional centre offences must be dealt with in line with COPP section **14.1 Inmate discipline**.

A BMP and BMC must be implemented for a proper purpose as a result of identified behaviour that poses a risk to the good order and security of a correctional centre (e.g. drug use, violence). Accordingly, any withdrawal of privileges must be aligned to the specific behavioural management issue to be addressed. In accordance with a BMP and BMC, the following privileges may be withdrawn:

- attendance at the showing of films/videos or at concerts/other performances
- participation in/attendance at any other organised leisure time activity
- use of or access to films, video tapes, records, cassettes, CDs or DVDs
- use of or access to television, radio or video, cassette, CD or DVD players, whether for personal use or as a member of a group
- use of or access to a musical instrument, whether for personal use or as a member of a group
- use of library facilities, except where use is necessary to enable study/research in the inmate's capacity as a student enrolled in a course of study/training
- ability to purchase goods (including under clause 177 of the Regulations)
- keeping of approved personal property (including goods purchased or hired under clause 177 of the Regulations)
- pursuit of a hobby
- use of telephone, except for calls to legal practitioners and exempt bodies
- participation in contact visits
- permission to be absent from a correctional centre under a local leave/interstate permit.

Other amenities, such as time out of cell, the opportunity to associate with other inmates or to participate in group programs, may also be reduced or increased as part of a BMP and BMC.

## 1.3 Behaviour management plans

BMPs should be developed in consultation with a multi-disciplinary team, and include an operational assessment based on an inmate's risk(s), need(s) and intervention targets to inform immediate to medium term management of security risks, such as:

- placement options
- associations
- influence capability (e.g. inciting other inmates to engage in non-compliant behaviours)
- violence.

These plans must be individualised to identify specific issues and needs for an inmate and outline how to address and manage these appropriately in order to engage the inmate and resolve behavioural issues.

An Offender Integrated Management System (OIMS) case note must be entered noting that a BMP has been developed and the period that it is in effect for the inmate (refer to subsection **1.5 Time period for a BMP/BMC and scheduled interviews** of this policy), this case note must also note that a BMC has been developed in line with the BMP and a copy provided to the inmate. The inmate's BMP and BMC must be stored in their Case Management File (CMF).

A BMP must be made available to all staff involved in the management of the inmate, including the Corrections Intelligence Group (CIG) where appropriate, however must not be made available to the inmate.

## 1.4 Behaviour management contract

A BMC must be developed based on the inmate's BMP and made between the inmate and an FM or authorised officer. A BMC must provide clear terms and conditions for an inmate to enable them to lower their risk and facilitate improvements in their behaviour. Each BMC must contain the following:

Criteria	Example
A clear and detailed description of the required behaviour	<ul style="list-style-type: none"> <li>• Participation in programs</li> <li>• Undergo weekly cell-searches</li> </ul>
How much time it should take to achieve the desired goal(s)	<ul style="list-style-type: none"> <li>• the duration of the contract, such as 2 weeks, 4 weeks etc.(but not more than 8 weeks)</li> </ul>
How the target behaviours will be observed, measured and recorded to review their progress	<ul style="list-style-type: none"> <li>• Recording of scheduled interview dates in the contract</li> <li>• Recording of any unscheduled interview dates, where they occur</li> </ul>
A clear statement of incentives available (including their schedule of delivery and who will deliver them when the criteria is met)	<ul style="list-style-type: none"> <li>• Reinstatement of certain privileges as outlined in the comments section by the FM, should the inmate comply with certain conditions in the BMC</li> </ul>
A bonus clause if the inmate exceeds the minimum demands of the contract	<ul style="list-style-type: none"> <li>• Additional privileges reinstated, or rescinding of the BMC if target behaviours met in a certain time period</li> </ul>
Privileges to be withdrawn	<ul style="list-style-type: none"> <li>• Refer to subsection <b>1.2 Withdrawable privileges</b></li> </ul>
Consequences if the contract is not fulfilled in the specified time period	<ul style="list-style-type: none"> <li>• Reinstatement of BMC</li> <li>• Additional privileges withdrawn</li> </ul>

Both the inmate and the FM or authorised officer must sign and date the BMC. If an inmate elects not to sign a BMC, this is to be noted on the form.

If the inmate chooses to disengage from the BMC, then their situation would return to the status before the contract was signed, and no additional consequences (other than those stipulated in the contract) can be applied. For example, if the inmate had their privilege to purchase buy-ups withdrawn, and they choose to disengage, they will not have this privilege reinstated until the end of the contract, and their progress will not be reviewed.

A record of the BMC developed for the inmate must be noted on the inmates BMP. The original copy of the inmate BMCs must be stored on their CMF, and a copy of the BMC provided to the inmate. The relevant OIMS case note entered must note that a copy of the BMC has been provided to the inmate.

## **1.5 Time period for a BMP/BMC and scheduled interviews**

A BMP and BMC developed for an inmate must only be in effect for a maximum period of **8 weeks (56 days)**. An FM or authorised officer must advise the Governor/MOS in charge of the correctional centre of all inmates on a BMP and BMC on a weekly basis.

A review of an inmate's BMP should be conducted by the FM or authorised officer at least every two weeks, which will include scheduling an interview with the inmate to assess their progress and compliance with their BMC.

A review may also occur outside of scheduled interviews (e.g. on a weekly basis), for example as a result of increased risk (e.g. inmate risk of harm to staff or other inmates), or as a result of other issues that need to be managed and resolved relating to the inmate. The purpose of reviews is to assess and record inmate:

- progress towards goals
- behavioural observations
- participation in programs and services
- any issues identified
- action(s) taken or pending staff action.

Review dates and information must be recorded in an OIMS case note.

Staff must monitor an inmate's progress. This may be through direct observation of behaviour and attitudes, and contact appropriate sources for progress updates (e.g. the FM or authorised officer will contact the MOSP or Senior Services and Programs Officer (SSAPO), Psychologist, JH&MHFN or other specialised unit where conditions within the BMP and BMC relate to those areas).

Staff are to record any observations of inmate behaviour that is inconsistent with their BMP and BMC as an OIMS case note. However, there may be some information that is more appropriately reported through Intelligence Reports (IR), and/or Information Notes (IN). In such cases, a case note must be entered to reference those other reports.

The purpose of monitoring an inmate's behaviour during this time is to establish their progress or lack thereof. Inmates should be asked to produce evidence of their achievement and progress in accordance with their BMC, where relevant.

Any variations to an inmate's BMP and BMCs should be based on an inmate's progress or lack thereof, including:

- changes in behaviour and/or attitudes associated with a goal
- changes in behaviour to different situations
- skills development
- compliance with goals
- levels of motivation or engagement.

**If after 8 weeks (56 days), it is determined that a BMP and BMC should be extended, the BMP and BMC must be submitted to the Governor or MOS in charge of the correctional centre for their approval.**

A Governor or MOS in charge of a correctional centre may decide to revoke or rescind any conditions or the entire BMP or BMC at any time.

### 1.6 Inmates transferred from correctional centre

Where an inmate who is currently on a BMP and BMC is transferred to another correctional centre prior to its expiry, the FM or authorised officer of the receiving correctional centre must decide if the BMP and BMC will be applied within the correctional centre.

If the FM or authorised officer decides to rescind, or continue to apply the BMP, they must enter an OIMS case note, and note their decision on the BMP in the inmate's CMF. Any changes to scheduled meetings must be specified and the inmate informed.

### 1.7 Procedures for BMPs and BMCs

	Procedure	Responsibility
1.	<p>Develop a BMP and BMC for the inmate if required, and ensure the following actions are taken:</p> <ul style="list-style-type: none"> <li>• explain the BMC to the inmate and ask them to sign it</li> <li>• provide a copy of the signed BMC to the inmate</li> <li>• specify the period that it is in effect for (maximum of 8 weeks (56 days) from signing)</li> <li>• store the BMP and BMC on the inmates CMF</li> <li>• enter a case note confirming when the BMP and BMC were developed and signed.</li> </ul> <p>Advise the Governor or MOS in charge of all BMP's and BMC's that are in effect on a weekly basis.</p>	FM/Authorised officer

2.	Review inmates BMP and schedule an interview with the inmate at least every two weeks to assess their progress and compliance with their BMC, and: <ul style="list-style-type: none"> <li>• update the inmates BMP to note outcomes of scheduled or unscheduled interviews relating to their compliance and progress with their BMC (refer to subsection <b>1.5 Time period for a BMP/BMC and scheduled interviews</b> of this policy)</li> <li>• ensure that incentives or consequences are applied in accordance with the inmates BMC.</li> </ul>	FM/Authorised officer
3.	Ensure that an OIMS case note is entered after each review noting that the meeting took place and the BMP has been reviewed, including all relevant information, and a reference to any IR or IN made.	FM/Authorised officer
4.	Submit an inmate's BMP and BMC to the Governor or MOS in charge <u>if</u> it is recommended that an inmate's BMP and BMC remain in effect for a period of 8 weeks (maximum period).	FM/Authorised officer
5.	Decide if a BMP or BMC will remain in effect for a period longer than 8 weeks. <b>Note:</b> A Governor or MOS may decide to revoke or rescind an inmate's BMP or BMC at any time.	Governor/MOS

## 1.8 Behavioural management area/units

The Commissioner may approve the establishment of a behavioural management unit or area in a correctional centre, such as the High Risk Management Correctional Centre (HRMCC), which are designed to enable an inmate to progress through stages that have pre-determined levels of access to amenities and activities.

The concept of a behaviour management area/unit is to enable the broad application of behaviour management principles to cohorts that require additional support and monitoring to aid their progression, while enabling the least restrictive regime possible to maintain the good order and security of the correctional facility.

The pre-determined levels of access to amenities and activities for a behaviour management area/unit must be defined in Local Operating Procedures (LOPs) for the correctional centre. Any pre-determined levels must not be below the minimum legal entitlement that an inmate may receive.

Ideally, each area/unit should be physically self-contained and designed to:

- standardise access to amenities and activities
- address identified risk behaviours and inmate needs
- provide appropriate programs and services.

Placement into a behavioural management unit/area is a decision to be made by the Commissioner or by Classification and Placement on referral by a Governor. Progression or regression through the different areas will be managed by a multi-disciplinary Inmate Review Panel (IRP) or other multidisciplinary management group.

Inmates suitable for placement in a behavioural management unit/area can progress or regress through units/areas/levels based on regular assessment of their behaviour during scheduled or non-scheduled interviews.

In a dedicated behavioural management unit /area, not all inmates will require a BMP and BMC. However, individualised BMPs and BMCs may be implemented to aid inmate progression or manage specific behavioural issues with the inmate, if necessary (refer to subsections **1.1 Behaviour management - 1.6 Inmates transferred from correctional centre** of this policy).

Regression of an inmate and subsequent withdrawal or limitation to amenities and activities is not a withdrawal of privileges as a result of a finding of guilt in regard to a correctional centre offence. Correctional centre offences must be dealt with in line with **COPP section 14.1 Inmate discipline**.

## 2 Quick links

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

## 3 Definitions

Authorised officer	The officer authorised by the Governor to perform the functions prescribed as part of the Custodial Operations Policy and Procedures
BMC	Behaviour Management Contract
BMP	Behavioural Management Plan
CIG	Corrections Intelligence Group
CMF	Case Management File
COPP	Custodial Operations Policy and Procedures
CSNSW	Corrective Services NSW
IRP	Inmate Review Panel
JH&MFHN	Justice Health & Forensic Mental Health Network
LOP	Local Operating Procedure
MOS	Manager of Security
MOSP	Manager Offender Services & Programs
OIMS	Offender Integrated Management System
Standard behavioural requirements	Standard behavioural requirements are those that are required by legislation, or the Commissioner (e.g. adherence to correctional centre routine).
SDS	Statewide Disability Services
SSAPO	Senior Services and Programs Officer

## 4 Document information

<b>Business centre:</b>	Custodial Operations	
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1.0	22/07/19	Initial publication.
1.1	02/12/19	Clarification on principles of a behavioural management area/unit/level within subsection <b>[1.8]</b> .
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