

Inmate Classification and Placement Corrective Services NSW

Initial Classification and Placement of Cat5 and AA Inmates

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Initial Classification and Placement of Cat5 and AA Inmates

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1 Overview

The policy and procedures within this document must be utilised in conjunction with the [OVERARCHING POLICY - Policy for Inmate Classification and Placement](#).

All staff must be familiar with the overarching policy prior to utilising this document.

The overarching policy and the instructions and procedures within this document apply to all staff involved in the inmate classification and placement processes within NSW correctional centres.

Persons received into the custody of Corrective Services NSW (CSNSW) who are charged with or convicted of terrorist offences under either Commonwealth or NSW law, and/or those inmates who, in the opinion of the Commissioner of CSNSW represent a special risk to national security, will upon reception be managed under the regime developed for Category AA male or Category 5 female inmates. This includes persons charged with or convicted of terrorist offences in other countries who have subsequently been transferred to an Australian correctional centre.

Category AA and Category 5 inmates must be confined in special facilities within a secure physical barrier that includes towers or electronic surveillance equipment or a security police or cell complex, as determined by the Commissioner on the recommendations of the High Security Inmate Management Committee (HSIMC) and Extreme Threat Inmate Management Committee (ETIMC).

The Commissioner may at any time vary or revoke a classification in accordance with the Regulation.

2 Related documents

This procedure is to be read and implemented in conjunction with:

- [Management of Public Correctional Centres Services Specifications](#)
- [Custodial Operations Policy and Procedures \(COPP\) - 3.5 HS, EHS, EHRR, NSI, AA and Cat 5](#)
- [Inmate Classification and Placement - Initial Classification and Placement](#)
- [Inmate Classification and Placement - SORC and Subcommittee Managed Inmates](#)

3 Procedures for Category AA and Category 5 Inmates

The policy and procedures within this document must be utilised with [Inmate Classification and Placement - Initial Classification and Placement](#).

In addition the following is required where Category AA and Category 5 inmates are involved:

3.1 Category AA male inmates

Clause 12 of the [Crimes \(Administration of Sentences\) \(CAS\) Regulation 2014](#) defines Category AA male inmates to be the category of inmates who, in the opinion of the Commissioner, represents a special risk to national security (for example, because of a perceived risk that they may engage in, or incite other persons to engage in, terrorist activities) and should at all times be confined in special facilities within a secure physical barrier that includes towers or electronic surveillance equipment.

Male inmates who are classified in Category AA are prescribed to be serious offenders under section 3(f) [Crimes \(Administration of Sentences\) Act 1999 \(CAS\) Act](#).

3.2 Category 5 female inmates

Clause 13 of the [CAS Regulation](#) defines Category 5 female inmates to be the category of inmates who, in the opinion of the Commissioner, represents a special risk to national security (for example, because of a perceived risk that they may engage in, or incite other persons to engage in, terrorist activities) and should at all times be confined in special facilities within a secure physical barrier that includes towers or electronic surveillance equipment.

Female inmates who are classified in Category 5 are prescribed to be serious offenders for the purposes of section 3(f) of the [CAS Act](#) which defines a serious offender.

3.3 Sentenced Category AA and Category 5 inmates

Sentenced Category AA and Category 5 inmates are prescribed pursuant to Clause 12 and 13 to be serious offenders for the purposes of the CAS Act.

Subsequently, these inmates will be managed on the basis of advice provided and recommendations made by Serious Offenders Review Council (SORC) to the Commissioner in relation to security classification, placement and program pathways.

3.4 Unsented Category AA and Category 5 inmates

As with all classification when classifying an unsentenced inmate, the letter 'U' is to be added to Category AA or Category 5 classification level to indicate that the inmate is unsentenced.

Unsentenced Category AAU and Category 5U inmates will likely be designated as Extreme High Risk Restricted (EHRR) or National Security Interest (NSI) inmates pursuant to [Clause 15](#) and [Clause 16](#) of the [CAS Regulation](#). Subsequently, these inmates will be managed on the basis of advice and recommendations provided by the HSIMC, a subcommittee of SORC, in relation to security classification and placement.

3.5 Initial placement

Initial placement for persons charged with or convicted of a terrorist related offence will be in a high security facility in isolation from other inmates to allow for the completion of a full security risk assessment process. Placement options will be determined by the Assistant Commissioner (AC) Security and Intelligence (S&I) with the concurrence of the Commissioner. The AC S&I will co-ordinate the commencement of the security risk assessment process and the transfer of the inmate to the designated centre.

For the purpose of making any decision with respect to an inmate's classification, consideration must be given to any advice received from NSW Police or from any other public authority (whether of this or any other State or Territory or of the Commonwealth) established for law enforcement, security or anti-terrorist purposes.

3.6 Assigning Category AA and Category 5 Classifications

Category AA and Category 5 classifications will not automatically be assigned to all inmates charged with or convicted of committing terrorist related offences. When such inmates are received into custody, a risk assessment will commence using cooperative national resources, to determine the level of threat posed by each inmate.

The General Manager (GM) Corrections Intelligence Group (CIG), in consultation with the relevant Law Enforcement Agency, will conduct an initial Security Risk Assessment within 48 hours. A full Security Risk Assessment Profile is to be completed within two weeks where practicable. All known information is included in this assessment, particularly advice received from external intelligence and law enforcement agencies.

A classification recommendation must be made as soon as practicable, to be presented to the Commissioner for a classification decision. The recommendation will be made by the AC S&I and based on the Security Risk Assessment Profile.

Not all inmates charged with or convicted of a terrorist related offence will be assessed as requiring Category AA/Category 5 classification. This classification process will only be applied for the ongoing management of Category AA or Category 5 high security risk inmates.

The Functional Manager Intelligence or another suitably qualified correctional officer nominated by the governor is to be assigned as the inmate's case officer for the purposes of case management for all AA and Category 5 inmates.

Category AA and Category 5 inmates will have their classification and placement reviewed by the HSMC at intervals of not more than six (6) months.

4 Classification and placement of Category AA and Category 5 inmates – checklist

PROCEDURE	RESPONSIBILITY
1 Identification of Category AA/Category 5 inmates.	S&I Governor Classification and Placement
2 Initial placement in a high security facility in isolation from other inmates.	S&I Governor Classification and Placement
3 Completion of a full security risk assessment process.	AC S&I GM S&I
4 Consideration given to any advice received from NSW Police or other agency.	AC S&I
5 Classification and placement recommendation made to the Commissioner.	AC S&I
6 Classification and placement determined.	Commissioner
7 Classification and placement reviewed by the HSMC at intervals of not more than six (6) months.	HSMC

5 Abbreviations

ACRONYM	MEANING
AC	Assistant Commissioner
CAS Act	Crimes (Administration of Sentences) Act 1999
CAS Regulation	Crimes (Administration of Sentences) Regulation 2014
CIG	Corrections Intelligence Group
EHRR	Extreme High Risk restricted
ETIMC	Extreme Threat Inmate Management Committee
GM	General Manager
HSIMC	High Security Inmate Management Committee
NSI	National Security Inmate
S&I	Security and Investigations
SORC	Serious Offenders Review Council

6 Document history

VERSION	DATE	REASON FOR AMENDMENT
1.0	25 October 2019	In line with Case Management Review outcomes
1.1	23 October 2020	General formatting update and improvements
2.0	2 February 2021	Full review conducted