

## Custodial Operations Policy and Procedures

### 13.4 Assaults

#### Policy summary

Assaults against persons in correctional centres are divided into two main categories, common assault and serious assault. Serious assault includes any sexual assault or assault against a correctional officer or community corrections officer.

Serious assaults must be reported to the police. JH&FMHN must be notified of an assault against an inmate. For sexual assaults against inmates, JH&FMHN will arrange for NSW Health Sexual Assault Services and appropriate counselling services. CSNSW will facilitate an inmate's access to these services.

Common assaults must be reported to the police if a victim requests police action or if there is video evidence of the assault being committed (regardless of any request by a victim).

Assaults against staff members will be reviewed by correctional centre Health and Safety Committees.

Victims must be protected from assailants and dealt with in accordance with the *Charter of Victims Rights*.

#### Management of Public Correctional Centres Service Specifications

Service specification	Safety and security Professionalism and accountability
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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).

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

Requirements to upload data to evidence.com or share evidence from evidence.com may not apply to privately managed correctional centres who may have their own evidence management system and processes in place.

While it is not mandated that privately managed correctional centres use evidence.com, other aspects of this policy document must be complied with. If there is any conflict with process related matters described in this document, and where there is reference to specific CSNSW business units, privately managed correctional centres should seek further advice from the relevant contract management team.

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# 1 Legislation

## 1.1 Crimes Act 1900

Part 3 of the *Crimes Act 1900* concerns offences against the person. The main divisions and offences this policy concerns are:

### Division 1 Homicide

- Murder
- Manslaughter
- assault causing death

### Division 5 Suicide

- aiding or abetting suicide

### Division 6 Acts causing danger to life or bodily harm

- wounding or grievous bodily harm with intent
- reckless grievous bodily harm or wounding
- causing grievous bodily harm
- choking, suffocation, strangulation
- using poison to injure or endanger life

### Division 8 Assaults

- assault occasioning actual bodily harm
- assault with intent to commit a serious indictable offence on certain officers<sup>1</sup>

### Division 8A Assault and other actions against police and other law enforcement officers

- Assault and other actions against law enforcement officers<sup>2</sup>

### Division 9 Common assault

- Common assault prosecute by indictment

### Division 10 Sexual offences against adults and children

- sexual touching
- aggravated sexual touching
- sexual assault
- aggravated sexual assault
- aggravated sexual assault in company
- sexual assault by forced self-manipulation

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<sup>1</sup> Includes a 'prison officer' or 'any person acting in aid of such officer', s 58.

<sup>2</sup> Includes 'the Commissioner or Corrective Services' and 'governors of correctional centres, correctional officers and community corrections officers', s 60AA.

## Section 316 Concealing serious indictable offence

- (1) An adult:
  - (a) who knows or believes that a serious indictable offence has been committed by another person, and
  - (b) who knows or believes that he or she has information that might be of material assistance in securing the apprehension of the offender or the prosecution or conviction of the offender for that offence, and
  - (c) who fails without reasonable excuse to bring that information to the attention of a member of the NSW Police Force or other appropriate authority,is guilty of an offence.

## 1.2 Crimes (Administration of Sentences) Regulation 2014

### Clause 141 Physical aggression

- (1) An inmate must not assault any other person or incite any other inmate to assault any other person.
- (2) An inmate must not engage in wrestling, sparring, fighting or other physical combat with any other inmate.
- (3) An inmate must not throw an article, or operate a device from which an article is projected, so as to cause a risk of injury to any person or of damage to any property.
- (4) Subclauses (2) and (3) do not prevent an inmate from engaging in any activity as a necessary incident of taking part in training or a contest or other sporting event organised for inmates by an authorised officer.

**Note.** Failure by an inmate to comply with this clause is a correctional centre offence.

## 1.3 Victims Rights and Support Act 2013

Section 6 'Charter of rights of victims of crime' provides statutory rights that apply to all victims of a crime. Foremost a victim must be treated with respect, dignity, compassion. A victim must be given access to welfare, medical, counselling and legal assistance responsive to the victim's needs.

CSNSW and contracted service providers must abide by the *Charter of Victims Rights* (click the '*Related documents*' link in section **15 Quick links** of this policy).

## 2 Incident response

### 2.1 Initiating an urgent response

Where a correctional officer or non-custodial officer witnesses an inmate assaulting another person, or inciting another inmate to assault a person, then the officer must call for urgent assistance by radio and/or personal duress alarm. A senior officer must attend and take charge of the incident as soon as practicable.

### 2.2 Intervention and containment

Responding correctional officers must direct inmates to cease all physical aggression. Officers must take reasonable action to stop an assault and prevent persons from being injured with due regard to their own safety. Any physical intervention must be in accordance with **COPP section 13.7 Use of force**.

Non-involved persons must be evacuated where possible and safe to do so, or be directed to move away from the incident.

Involved inmates may be separated and locked in cells pending instructions from the Governor or OIC on how they should be dealt with.

### 2.3 Safety precautions when entering cells

***Correctional officers should exercise caution when responding to reports of an assault after lock-in.***

Staff must comply with the minimum safe staffing numbers required to enter accommodation areas/cells for their centre which is outlined in Local Operating Procedure (LOP): *Safe staff numbers when entering accommodation area/cells* and LOP: *Responding to cell call alarms*.

### 2.4 Crime scene preservation

When responding to an assault or suspected assault, responding officers must inspect relevant areas, suspected assailants and victims to ascertain whether there is any potential forensic evidence which should be preserved.

An incident scene and involved inmates must be secured and managed in accordance with **COPP section 13.8 Crime scene preservation** if a victim:

- occasioned a serious injury or head injury
- alleges they were sexually assaulted
- appears physically or cognitively impaired from the incident
- is taken to hospital for assessment and treatment.

## 2.5 Incident response procedures

	Procedure	Responsibility
1.	Call for urgent assistance immediately.	First responding officer (FRO)
2.	Direct inmate(s) to cease all physical aggression.	FRO
3.	Take reasonable action to stop the assault and prevent persons from being injured, with due regard to own safety.	FRO
4.	Evacuate non-involved persons where safe to do so or direct them to move away from the incident.	FRO
5.	Inspect relevant areas, suspected assailants and victims for potential forensic evidence and provide first aid if required.	FRO
6.	Secure and manage the incident scene as a crime scene where necessary (refer to subsection <b>2.4 Crime scene preservation</b> of this policy).	FRO
7.	Separate and lock involved inmates in cells pending further instructions on how they should be dealt with.	FRO
8.	Ensure a senior officer takes charge of the incident and all relevant policies and procedures are followed.	Governor or OIC

## 3 Common assault and fighting

### 3.1 Common assault

An assault may be considered a common assault if there is no actual physical injury to the victim. This must be reported to the police as soon as practicable if:

- the victim requests police action, or
- there is video evidence of the assault being committed.

If the victim does not request police action and there is no video evidence of the assault being committed, then a charge of assault under clause 141 of the *Crimes (Administration of Sentences) Regulation 2014* (the Regulation) may be appropriate.

### 3.2 Fighting and other physical combat

A charge of fighting, sparring, wrestling or other physical combat under clause 141 of the Regulation may be appropriate where a charge for assault under the Regulation is not appropriate because:

- the participants consented to the act, or
- there is no complainant or evident victim.

## 4 Serious assault

### 4.1 Serious assaults

A serious assault must be reported to the police. A serious assault includes:

#### Assault causing injury or death

- assault occasioning actual bodily harm
- any assault which causes the serious injury or death of a person

#### Assault of a sexual nature

- sexual touching
- assault with intent to have sexual intercourse
- sexual assault (sexual intercourse without consent)
- aggravated sexual assault
- aggravated sexual assault in company

#### Assault on law enforcement officer

- any assault on a correctional officer or community corrections officer while in the execution of the officer's duty

### 4.2 Liaison duties

For serious assaults, a senior officer should be appointed as 'Liaison Officer' to liaise directly with police, emergency services, JH&FMHN and any other relevant services.

Where possible the Liaison Officer must not have been directly involved in the incident. The Liaison Officer will report directly to the Governor or OIC.

### 4.3 Cooperation with police and investigators

Correctional officers (responding officers and witnesses) must remain on duty and be available to assist investigating police and CSNSW investigators unless permitted to cease duty by the Governor.

Staff must cooperate with CSNSW investigators and attend an interview if requested. Staff may have a support person present at an interview. Notwithstanding the need for staff to assist police and investigators, an officer must be excused from duty if the officer requires immediate medical treatment or immediate counselling.

## 4.4 Communication with inmate suspects and witnesses

Correctional officers and non-custodial staff must not interview or have a discussion with an inmate about a serious assault if:

- the inmate is a suspect, person of interest, or material witness in a current police investigation or proceedings into the offence, or
- the offence has not yet been reported to the police.

Note: This does not preclude officers or staff questioning an inmate:

- for the purpose of an inmate injury questionnaire
- to any extent necessary to ensure the safety of an inmate or the security and good order of a correctional centre

If an inmate voluntarily discloses information about an offence to a staff member without any prompting, then the officer may listen to the inmate. Any such information must be reported to the Governor or OIC in an incident report and forwarded to investigating police as soon as practicable.

## 4.5 Dying declaration

A dying declaration might provide material evidence about an indictable offence which would be lost if not recorded immediately.

A correctional officer may take a dying declaration from a victim/witness who has life threatening injuries and might die before police speak to them. A dying declaration should be recorded on video camera or in an officer's notebook.

A dying declaration is more likely to be admissible in court if the person makes:

- an oath or affirmation as to the truth of their declaration, and
- an acknowledgement that they are dangerously ill and might die.

There is no set form of oath or affirmation, but the following examples may be used:

Do you swear by Almighty God that what you are saying is the truth, the whole truth, and nothing but the truth?

**or**

Do you solemnly and sincerely declare and affirm that what you are saying is the truth, the whole truth, and nothing but the truth?

**and**

Do you understand that you are dangerously ill and could die?

An oath or affirmation may be made after evidence has been obtained from the person where necessary.

## 5 Video recording assaults

### 5.1 Video cameras

Hand-held video (HHV) cameras and body-worn video (BWV) cameras must be used to record all incidents involving violence and threats of violence (**COPP sections 13.9 Video evidence**).

BWV and HHV cameras (where available) must be used to record any evidence on inmates and their transfer to holding cells/yards for forensic processing (**COPP section 13.8 Crime scene preservation**).

### 5.2 Restrictions concerning video recordings

For restrictions on access to and disclosure of video recordings refer to **COPP sections 13.9 Video evidence**.

### 5.3 Transferring and securing video evidence

For policy and procedures on transferring, registering and securing BWV, HHV and CCTV video evidence refer to **COPP section 13.9 Video evidence**.

## 6 Sexual assaults

### 6.1 Access to health services

In correctional centres, JH&FMHN are responsible for ensuring health care for inmates who have been sexually assaulted. This includes access to medical assessment and treatment and counselling by appropriate health care professionals.

CSNSW will cooperate with JH&FMHN to ensure the provision of health care to inmates who have been sexually assaulted. (Refer to subsection **7.2 Medical assessment and treatment of inmates** of this policy).

Actions taken by medical staff in relation to a reported sexual assault will depend on how recent the assault was.

The Inmate's safety is a priority following a recent sexual assault.

### 6.2 Recent sexual assault

JH&FMHN staff will arrange for the inmate to be assessed and treated by NSW Health's specialist Sexual Assault Services with the inmate's consent. CSNSW will facilitate the escort of an inmate to hospital for assessment and treatment.

JH&FMHN will issue a *Health Problem Notification Form* (HPNF) advising on any recommended changes for the custodial and health management of the inmate.

### 6.3 Relatively recent sexual assault

JH&FMHN will provide the inmate with a *Charter of Victim's Rights* and offer:

- telephone or face to face counselling through NSW Health
- services of a public sexual health nurse and or a mental health nurse if required
- CNSW will provide access to psychologist.

CSNSW will ensure the inmate has access to these services as soon as possible.

### 6.4 Forensic evidence on victim's body

A sexual assault forensic examination by a medical professional may involve the collection of forensic evidence from the victim's body such as saliva, semen, blood or hair. Fingernail scrapes may also be taken. Paper evidence bags can be placed on a victim's hands to help preserve any forensic evidence that may be present.

### 6.5 Advice not to wash body or clothing

In order to preserve evidence which could be obtained and used in any subsequent prosecution, a victim of a recent sexual assault should be advised not to:

- wash their body or clothing
- wipe after going to the toilet
- drink (if the assault was oral)

However, a victim must not be prevented from washing, wiping or drinking if they choose to.

### 6.6 Forensic evidence on victim's clothing

Sexual assault victims will sometimes discard clothing that they were wearing at the time of or immediately after a sexual assault. Sometimes they will shower and put on fresh clothing. It is important that any clothing an inmate was wearing at the time of or immediately after the assault is secured as evidence in paper evidence bags. A separate bag should be used for each item.

### 6.7 Sexual assault response procedures

	Procedure	Responsibility
1.	Report an alleged sexual assault to the Governor or OIC immediately.	Correctional officer
2.	Advise the victim of a recent sexual assault against washing or drinking in accordance with subsection <b>6.5 Advice not to wash body or clothing</b> of this policy.	Correctional officer
3.	Secure any clothing an inmate was wearing at the time of or immediately after the assault in paper evidence bags.	Correctional officer

	<b>Procedure</b>	<b>Responsibility</b>
4.	Secure the scene of a recent sexual assault as a crime scene.	Correctional officer
5.	Ensure JH&FMHN are notified of a recent sexual assault immediately, or as soon as practicable in the event of a relatively recent sexual assault.	Governor or OIC
6.	Facilitate the escort of a victim of a recent sexual assault to hospital for assessment and treatment.	Governor or OIC
7.	Ensure a victim has access to telephone counselling services and services of a mental health nurse / CSNSW psychologist and required.	Governor or OIC
8.	Obtain a HPNF from JH&FMHN and manage the inmate accordingly.	Governor or OIC

## 7 Post incident medical attention and support

### 7.1 Serious injuries and hospitalisation

For serious injuries and hospitalisation, follow additional procedures in **COPP section 13.2 Medical emergencies**. That policy includes notifications to other government agencies and foreign consulates where applicable.

### 7.2 Medical assessment and treatment of inmates

A correctional officer or non-custodial officer who was not a witness to the assault must interview the inmate and complete the *Inmate injury questionnaire – assault*.

On-duty JH&FMHN medical personnel must be requested to medically assess or treat the inmate:

- immediately in cases of serious injury or recent sexual assault
- as soon as practicable regardless of the presence or absence of any injury.

If JH&FMHN personnel are not on duty, then the Governor or OIC must ensure the JH&FMHN After Hours Nurse Manager (AHNM) is notified as soon as practicable by telephone on:

After Hours Nurse Manager  
 Remote Offsite Afterhours Medical Services (ROAMS)  
 Justice Health & Forensic Mental Health Network  
 Call: **1300 076 267 / 13000 ROAMS (24 Hours)**

The officer who notifies the AHNM must inform them of:

- the nature of the assault (e.g. inmate was punched repeatedly in the head)
- any observable injuries or complaint of injury by inmate.

The AHNM will advise the senior officer whether to call the NSW Ambulance Service or wait until JH&FMHN can assess the inmate.

**Note:** If force was used on the inmate, then **COPP section 13.7 Use of force** subsection **Post incident medical attention support** procedures apply.

	Procedure	Responsibility
1.	Interview inmate and complete the <i>Inmate injury questionnaire – assault</i> and submit to the senior officer.	Correctional officer or non-custodial officer
2.	Ensure JH&FMHN are notified as follows: <ul style="list-style-type: none"> <li>• <b>On-duty JH&amp;FMHN personnel:</b> Request medical personnel medically assess or treat an inmate as soon as practicable after the assault regardless of the presence or absence of any injury.</li> <li>• <b>After Hours Nurse Manager:</b> Notify the AHNM as soon as practicable and provide all relevant information in respect of the incident and inmate. Follow the AHNMs advice.</li> </ul>	Governor or OIC

### 7.3 Support service provision for inmates

An inmate must be offered the opportunity to have support services (e.g. counselling) provided by Offender Services and Programs (OS&P).

If the inmate accepts the offer, the case manager must be notified and the inmate must be referred.

	Procedure	Responsibility
1.	Ensure an inmate is offered support service provision by OS&P. If accepted, notify the case manager and make a referral for the inmate.	Senior officer

### 7.4 Incident / Assault Form JH&FMHN

JH&FMHN are responsible for completing the JH&FMHN *Incident/Assault Form* to record an inmate’s injuries and treatment.

JH&FMHN can only provide CSNSW with a copy of the form if the inmate consents to the release of information, or if consent is not obtained, the release is authorised by the Chief Executive, JH&FMHN or Executive Director, Clinical Operations (Custodial Health).

### 7.5 Medical attention for visitors

If a visitor requires medical attention, staff should call an ambulance or arrange for them to be taken to a hospital or medical centre unless the visitor declines an offer of medical attention.

	Procedure	Responsibility
1.	Ensure an ambulance is called for or arrange for the visitor to be taken to a hospital or medical centre unless the visitor declines an offer of medical attention.	Governor or OIC

## 7.6 Medical attention for staff

If an officer requires medical attention, immediate arrangements must be made for the officer to be relieved from duty and to be taken by a colleague to a medical centre or hospital, unless the officer elects to proceed unaccompanied.

JH&FMHN clinical staff are obliged to provide first aid/emergency response treatment to all workers and visitors. This does not include the administration of analgesia or other medication, with the exception of emergency standing orders.

The officer may complete an incident report on their return to duty.

	Procedure	Responsibility
1.	Arrange for an officer requiring medical treatment to be relieved from duty and taken by a colleague to a medical centre or hospital, unless the officer elects to proceed alone.	Governor or OIC
2.	Permit the officer to submit an incident report when next on duty.	Governor or OIC

## 7.7 EAP offer of counselling to employees

EAP counselling services must be offered to all employees who participated in or witnessed the incident.

	Procedure	Responsibility
1.	Offer EAP counselling services to all employees who participated in or witnessed the use of force.	Governor or OIC

## 7.8 EAP critical incident support

The Department of Communities and Justice (DCJ) Work Health and Safety (WHS) *Critical Incident Support Procedure* provides that critical incidents include, but are not limited to, the following incidents:

- Work accident resulting in serious injury.
- Assault on an employee resulting in bodily harm or obvious distress.
- Needlestick injury.
- Contact with blood or other body substances.
- Discovery of a deceased or grievously injured person.
- Administering Cardiopulmonary Resuscitation (CPR).

The Employee Assistance Program (EAP) must be contacted on the day of the incident by telephone on **1300 687 327**. The EAP service provider will arrange for an external psychologist to attend the workplace and provide psychological support as soon as possible.

Workplace Peer Support Officers both on and off duty must be informed of the incident and all staff involved. On duty Peer Support Officers must be requested to provide practical support and assistance to all staff and their families, unless they are directly involved in the incident.

Following contact with EAP and Peer Support Officers, the CSNSW Senior Human Resources Advisor, Work Health and Safety & Injury Management must be notified by email at [REDACTED]

The DCJ WHS *Critical Incident Support Procedure* provides detailed information at Appendix B – *Critical Incident Support Flowchart* about the critical incident support processes.

	<b>Procedure</b>	<b>Responsibility</b>
1.	Notify the EAP service provider as soon as possible and coordinate attendance of psychologist.	Governor or OIC
2.	Inform Peer Support Officers.	Governor or OIC
3.	Notify the CSNSW Senior Human Resources Advisor, Work Health and Safety & Injury Management.	Governor or OIC
4.	Comply with DCJ WHS <i>Critical Incident Support Procedure</i> .	Governor or OIC
5.	Notify a seriously injured staff member's next of kin if they request or if they are unable to communicate.	Governor or OIC

## 7.9 SafetySuite Notification E-Forms

Notification forms must be completed for the CSNSW insurer where injuries are sustained by any persons in correctional centres.

	<b>Procedure</b>	<b>Responsibility</b>
1.	Complete a <i>SafetySuite Notification E-Form for Employees</i> if injured on duty.	Employee or supervisor on their behalf
2.	Ensure a <i>SafetySuite Notification E-Form for Non-Employees</i> is completed for any injured non-employees injured at the correctional centre or inmates injured in the Governor's custody.	Governor or OIC

## 7.10 SafeWork NSW

SafeWork NSW must be immediately notified of the serious injury or illness of a person by telephone on **13 10 50**. (Refer to **COPP section 13.2 Medical emergencies**).

# 8 Records and reports

## 8.1 Mandatory reporting of assaults

An assault or allegation of assault must be reported to the Governor or OIC immediately.

Officers must write their reports from their **own recollection** of events and **independently** from each other. Reporting officers should have adequate facilities to meet this requirement (e.g. access to computers in separate areas). Reports must be of a satisfactory standard and only report on what was witnessed firsthand.

Officers may make a written request to the Governor or MOS to view any video footage to assist in writing an accurate report. If permission is granted, officers are given access to footage only after the authorised officer has downloaded the footage to a secure medium, and the officer's report must state that video footage has been viewed before the report was written.

Officers must not view the footage of an incident if death or a life-threatening injury has occurred.

## 8.2 Inmate misconduct report

An *Inmate misconduct report* is the appropriate form for reporting an assault or fight where the correctional officer is also reporting the inmate(s) to the Governor for an alleged correctional centre offence (**refer to COPP section 14.1 Inmate discipline**).

## 8.3 Incident/witness report

An *Incident/witness report* is the appropriate form for reporting an assault or fight where the reporting officer witnessed and/or responded to the incident, or received an allegation of an assault. Officers must not view video footage (CCTV, handheld video or body worn video) if an inmate has sustained life-threatening or fatal injuries. For more information about viewing footage to assist to write a report refer to **COPP section 13.9 Video evidence**.

## 8.4 Serious incident reporting

Serious incident reporting procedures apply to:

- the serious assault of any person resulting in hospital treatment
- an assault on a high profile inmate with a significant media interest.

**Refer to COPP section 13.1 Serious incident reporting.**

## 8.5 Incident reporting module

An incident of violence must be reported on the IRM as soon as possible by the correctional centre where the incident occurred. If the incident occurred outside a correctional centre, then the IRM is the responsibility of the operational unit or correctional centre to which the escorting officers are attached.

When reporting an incident into the IRM, an officer must discern whether the assault is:

- a serious assault; and
- substantiated.

An assault is a serious assault when a person has been hospitalised as a result of the assault. An assault is substantiated if there is video footage of the assault or there is a witness to the assault who has given a statement.

## 8.6 Procedures for assault reporting

	Procedure	Responsibility
1.	Report an assault immediately to the Governor or OIC.	Correctional officer
2.	Complete and submit <i>Inmate misconduct report</i> or <i>Incident/witness report</i> before ceasing duty.	Correctional officer
3.	Ensure an IRM is completed as soon as practicable and within two hours.	Governor or OIC
4.	Ensure all the following documents/records are completed and collated before ceasing duty: <ul style="list-style-type: none"><li>• <i>Inmate misconduct report</i> or <i>Incident/witness report</i> forms</li><li>• <i>Inmate injury questionnaire – assault</i></li><li>• <i>Incident / Assault Form JH&amp;FMHN</i> (if provided)</li><li>• Any video camera and/or CCTV footage.</li></ul>	Senior officer

## 8.7 EDRMS records management and video evidence

All reports and documents relating to an assault must be registered, stored and managed using the EDRMS in accordance with the *Records Management Procedure*, NSW Department of Justice (D12/637168).

Video evidence is to be registered and secured in accordance with **COPP section 13.9 Video evidence**.

	Procedure	Responsibility
1.	Ensure all reports and documents are registered and stored in EDRMS in accordance with the <i>Records Management Procedure</i> .	Governor or OIC
2.	Ensure any video evidence is registered and secured in accordance with <b>COPP section 13.9 Video evidence</b> .	Governor or OIC

## 8.8 Evidence.com

All reports and documents including video footage relating to an assault that may be required to be shared with internal or external stakeholders must be uploaded and shared via evidence.com

## 8.9 Case notes

All relevant occurrences concerning an assault on an inmate should be recorded in their OIMS case notes including:

- referrals to post-incident medical and support services
- actions taken to protect the victim
- outcome of any criminal or inmate discipline proceedings against an assailant.

	Procedure	Responsibility
1.	Ensure case notes are entered for all relevant events concerning an assault.	Governor or OIC

# 9 Reporting assaults to the police

## 9.1 Reporting requirements

A serious assault must be reported to the police as soon as practicable and without undue delay. This includes all assaults on correctional officers or community corrections officers.

A common assault must be reported to the police as soon as practicable if the victim requests police action, or if there is video evidence of the assault being committed.

The location of the police station and name of the police officer who was notified must be recorded in the IRM Incident Details report.

**Note:** Allegations of assault on an inmate by a staff member are not to be reported to local police. (Refer to section **13 Allegation of assault on an inmate by staff** of this policy for reporting requirements).

## 9.2 Information to be given to police

On reporting an assault to police by telephone, the following information should be given:

Involved persons	Nature of assault / injury	Physical evidence
<ul style="list-style-type: none"> <li>• Name of victim</li> <li>• Name of suspected assailants</li> <li>• Name of witnesses</li> <li>• Whether the victim wants police action and is prepared to assist police</li> </ul>	<ul style="list-style-type: none"> <li>• Nature of assault</li> <li>• Nature and degree of victim's injury</li> <li>• Name of hospital where victim was taken (if applicable)</li> </ul>	<ul style="list-style-type: none"> <li>• Whether there is video evidence of the assault being committed</li> <li>• Whether a crime scene has been established</li> <li>• Whether exhibits have been seized</li> </ul>

All relevant information and records must be supplied to the police on request.

## 9.3 Procedures for reporting an assault to police

	Procedure	Responsibility
1.	Ensure a serious assault is reported to the police as soon as practicable and without undue delay.	Governor or OIC
2.	Ensure a common assault is reported to the police as soon as practicable if: <ul style="list-style-type: none"> <li>• the victim requests police action, or</li> <li>• there is video evidence of the assault being committed.</li> </ul>	Governor or OIC

# 10 After action review

## 10.1 Purpose

The after action review (formerly known as an operational debriefing) is a quality assurance system to identify risks and provide an opportunity to strengthen internal controls, accountability or supervision.

The review provides all staff who were directly or indirectly involved in the incident the opportunity to discuss the incident and to identify effective responses as well as any deficiencies in the overall outcome of the incident. It also allows staff to make recommendations to improve the response and management of any future incidents. The review is specific to operational matters and is not a group counselling session.

## 10.2 When required

The review is to be conducted for all serious assaults after officers have submitted incident reports and following the completion of police inquiries (if there is police

involvement). The review may be conducted for less serious assault incidents where the Governor or OIC considers it would be beneficial for staff and centre operations.

### 10.3 Review process

The review must be conducted in the order that the events took place. Each event should be reviewed in light of the previously mentioned criteria. The review details must be documented and include any recommendations. A review report template is available as an annexure - *After action review report template*.

Recommendations for improvement and follow up action must be monitored. In the absence of some other local method, the follow up and monitoring must be included as a standing agenda item on the correctional centre’s management committee meeting.

### 10.4 Procedures for an after action review

	Procedure	Responsibility
1.	Conduct an after action review into a serious incident at the conclusion of police inquiries (if police involved).	Governor or OIC
2.	Conduct an after action review into a serious incident or other use of force incident where it would be beneficial for staff or centre operations.	Governor or OIC
3.	Document the review using the <i>After action review report</i> template.	Governor or OIC

## 11 Segregated / protective custody and alerts

### 11.1 Protective custody

The Governor or OIC must consider whether a victim of an assault should be placed in protective custody or transferred to another location or centre for their personal safety. Appropriate association and security alerts must be entered into OIMS.

### 11.2 Segregated custody

The Governor or OIC must consider whether assailants or other inmates involved in an assault should be segregated or transferred for the security, good order and discipline of the correctional centre.

### 11.3 OIMS alerts

Appropriate association alerts must be entered into OIMS to protect victims and witnesses. Security alerts must be entered where appropriate to ensure the good order and security of the correctional centre and management of risk to persons. **(Refer to COPP Section 2.2 Offender associations).**

Any two or more inmates who together carry out an assault on, or are involved in a fight with another inmate, a member of staff, or any other person within a correctional centre, must have a non-association – *co-assailant* placed against them.

If a visitor was assaulted during a visit to an inmate, a notation must be made on the OIMS visits module for the inmate assailant preventing further contact with the victim unless approved by the Governor.

## 12 Assault on a staff member

### 12.1 Action to be taken

- Convene an out of session meeting of the Health and Safety Committee (HSC) within 3 to 5 days
- Complete the *Health and Safety Committee Staff assault guidelines*
- Complete the *Inmates who pose safety risk to staff* form

Assaults on staff members must be reported to the police in accordance with subsection **9 Reporting assaults to the police** of this policy.

Correctional centre Health and Safety Committees (HSC) are responsible for reviewing assaults on staff. Refer to **COPP section 21.9 Governance structures** for more information.

### 12.2 Sentences for assaulting correctional officers

Section 56 of the *Crimes (Sentencing Procedure) Act 1999* provides that a convicted inmate in a correctional centre, who is sentenced to imprisonment for assaulting a correctional officer, must not be given a concurrent or partly concurrent sentence by the court unless special circumstances exist justifying the decision.

Statewide Administration of Sentences and Orders (SASO) staff usually monitor these sentences and will notify the sentencing court if an inmate is sentenced contrary to section 56.

## 13 Allegation of assault on an inmate by staff

### 13.1 Professional Standards Branch

An allegation that an inmate was assaulted by a staff member must be referred to Professional Standards Branch (PSB) as soon as possible. A link to the PSB webpage and the appropriate reporting form can be found under the *'Forms and annexures'* in the subsection **15 Quick links** of this policy.

### 13.2 Corrective Services Investigation Unit

An allegation that an inmate was assaulted by a staff member must not be reported to a local police station. The Governor or OIC must report the alleged assault to the

Director, CSNSW Investigations who will notify the Commander, Corrective Services Investigation Unit (CSIU), State Crime Command, NSW Police Force.

The Director, CSNSW Investigations can be contacted on [REDACTED] during business hours. After hours the Director can be contacted through the Duty Officer on [REDACTED]. Refer to **COPP section 13.1 *Serious incident reporting*** for contacting the Duty Officer between 10pm-6am.

### **13.3 Director Custodial Operations**

The Governor or OIC must immediately inform the Director, Custodial Operations by telephone if an inmate alleges they were assaulted by a staff member.

## **14 Assault on a visitor**

### **14.1 Incident reporting**

An assault on a visitor must be reported to the police in accordance with subsection **9 *Reporting assaults to the police*** of this policy. If the visitor is a child, mandatory child protection reporting requirements apply (**refer to COPP section 21.10 *Child protection***).

### **14.2 Director Custodial Operations**

The Governor or OIC must immediately inform the Director, Custodial Operations by telephone if a visitor is assaulted.

### **14.3 Custodial Corrections Branch**

The Governor or OIC must complete and email a serious incident briefing note to the General Manager, Statewide Operations within two hours.

## 15 Quick links

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

## 16 Definitions

Assailant	A person who physically attacks another person. In this policy an assailant is also a person reasonably suspected of being an assailant.
Assault	In this policy an assault is any intentional touching of a person without that person's consent and without lawful excuse.
Assault occasioning actual bodily harm	An assault which causes a physical injury which is calculated to interfere with the health or comfort of the victim. The injury need not be permanent, but must be more than merely transient or trifling.
Common assault	An assault that does not result in any actual physical injury to the victim. Can include both a threat of physical harm or intentional touching of the victim. This includes spitting or projecting anything onto the victim (e.g. bodily fluids, food, water).
COPP	Custodial Operations Policy and Procedures
Correctional centre	Any place of detention including a correctional centre, correctional complex, police or court cell complex or residential facility where inmates are in Corrective Service NSW custody.
CSIU	Corrective Services Investigation Unit, State Crime Command, NSW Police Force
CSNSW	Corrective Services NSW
DCJ	Department of Communities and Justice
First responding officer	A correctional officer who discovers a serious incident. There may be more than one first responding officer at any given incident and a first responding officer's duties may be shared.
Grievous bodily harm	Grievous bodily harm includes: <ul style="list-style-type: none"> <li>• any bodily injury of a serious kind</li> <li>• any permanent or serious disfiguring of a person</li> <li>• causing a person to contract a grievous bodily disease</li> </ul>
HSC	Health and Safety Committee
Indictable offence	Includes any information presented or filed as provided by law for the prosecution of offences (section 4, <i>Crimes Act 1900</i> )
IRM	Incident Reporting Module
MRRC	Metropolitan Remand and Reception Centre, Silverwater

OIC	Officer in charge: the on-duty ranking correctional officer who is in charge of the correctional centre in the absence of the Governor, e.g. manager of security or night senior.
OIMS	Offender Integrated Management System
PAC	Police Area Command
S&I	Security and Intelligence, a branch of CSNSW
Serious assault	See Table at subsection <b>4 Serious assault</b> of this policy
Serious injury	In this policy, a serious injury has the same meaning as serious injury in <b>COPP section 13.2 Medical emergencies</b> . It also includes 'wounding' and 'grievous bodily harm'.
Serious indictable offence	An indictable offence that is punishable by imprisonment for life or for a term of 5 years or more (section 4, <i>Crimes Act 1900</i> )
Sexual assault	In this policy a sexual assault includes the following adult sexual assault offences under Division 10 of Part 3 of the <i>Crimes Act 1990</i> : <ul style="list-style-type: none"> <li>• sexual assault</li> <li>• aggravated sexual assault</li> <li>• aggravated sexual assault in company</li> <li>• sexual assault by forced self-manipulation</li> </ul>
Sexual touching	See meaning of “sexual touching” in section 61HB of the <i>Crimes Act 1900</i> . <b>Note:</b> Formerly the offence of “indecent assault”.
Staff member	A correctional officer or non-custodial member of staff.
WHS	Work Health and Safety
Wounding	Causing bodily injury to a person by cutting, stabbing, piercing, breaking or tearing the outer and inner skin.

## 17 Document information

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<b>Business centre:</b>	Statewide Operations
<b>Approver:</b>	Craig Smith (A/Deputy Commissioner Security and Custody)
<b>Date of effect:</b>	19 November 2019
<b>EDRMS container:</b>	18/7552

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<b>Version</b>	<b>Date</b>	<b>Reason for amendment</b>
1.0	19/11/19	Initial publication ( <i>Replaces section 13.4 of the superseded Operations Procedures Manual</i> )
1.1	12/03/20	General formatting update and improvements
1.2	23/03/23	Addition of subsection 8.8 – inclusion of all reports and documents including video footage on evidence.com
1.3	13/05/24	Update of subsection 2.3 <i>Safety precautions when entering cells</i> . See <a href="#">DC Memorandum 2024/11 Safe staffing numbers when entering accommodation areas/cells</a> . Removal of reference to S&I.

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