Prisoners' Legal Service

Prison News

INFORMATION SHEET FOR PEOPLE IN PRISON IN QLD
PRISONERS' LEGAL SERVICE INC
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Security Classifications

The laws and procedures about security classifications recently changed. This Prison News edition sets out general information about security classification decisions made by Queensland Corrective Services (QCS).

What are the different security classifications?

Your security classification impacts which prison you are placed in and the level of security that is imposed on you. There are two different security classifications you can receive in prison:

- **High security** – you will be accommodated in a secure facility.
- **Low security** – you *may* be accommodated in a low security prison or work camp; however, a low classification does not automatically mean you will be transferred to a low security prison or work camp.

There are restrictions to who can be accommodated in a low security prison or work camp. By law, a person is *not* eligible to be transferred to a low security prison if they have been convicted of a sexual offence, have been convicted of murder, or are serving a life sentence.

How are security classifications decided?

You should be given a security classification within six weeks of being admitted to prison.

QCS must consider the following factors when deciding your security classification:

- The nature of the offence for which you have been charged or convicted;
- The risk of you escaping or attempting to escape from custody;
- The risk of you committing a further offence and the impact the further offence is likely to have on the community;
- The risk you pose to yourself, other prisoners, staff members and the security of the corrective services facility;
- The length of time remaining for you to serve under your sentence;
- Information about you, received from a law enforcement agency.

If you are on remand and are not serving a term of imprisonment for another offence, you will automatically be given a high security classification. Exceptions can be made for women in custody who are on remand for non-violent and non-sexual offences.

Security classification reviews

Under the law, security classifications must be reviewed as follows:

- High security classification – **every 3 years** (unless you are on remand and not serving a term of imprisonment for another offence); or if you request your security classification be reviewed and have not requested your classification be reviewed **in the past 12 months**.
- Low security classification – **at any time**.

This broadsheet is intended to provide legal information only and is no substitute for legal advice. If you wish to take any action arising from matters raised in this publication you should consult a lawyer immediately.

Security classifications can also be reviewed at any time as part of an events-based review. An **events-based review** may take place because:

- your term of imprisonment has been changed by a court order; or
- of a significant event (for example, you are get a breach of discipline or complete a rehabilitation program).

After your security classification is reviewed, QCS should give you a document called an Information Notice. This document should say what security classification you have been given. QCS procedures state that an Information Notice must be provided to you in writing within two working days after your security classification decision is made.

How to get a low security classification

All security classification decisions should be considered on a case-by-case basis. There are no set time frames within the law or procedures for when a person in prison should receive a low security classification. QCS procedures state that low security classifications will be given to people who:

- Require limited supervision;
- Are not considered to be an escape risk; and
- Who have been assessed as a minimal risk of causing harm to the community.

This may include short-term prisoners and those who are nearing release from lengthy sentences. Women in prison are to be considered for low security classification and placement as a first option.

You can write to the Chief Superintendent (General Manager) requesting a low security classification explaining how you think you have demonstrated the above factors while in prison. As part of the low custody placement decision making process, you will be interviewed by QCS.

Unhappy with your security classification?

If your security classification has been increased, the law provides you with a right to seek a review of that decision by QCS within **seven days** of receiving the Information Notice. If you want QCS to review an increase to your security classification, you can send a blue letter to the Chief Superintendent of Sentence Management Services at GPO Box 1054, Brisbane Qld 4001.

Legal reviews of security classification decisions are only available in limited circumstances and you should seek legal advice.

Human rights

Under the *Human Rights Act 2019*, any relevant human rights should be considered by QCS when making a decision or taking any action in relation to your security classification. While human rights are protected, they can also be limited in certain circumstances. For further information, please ask PLS for a copy of the Human Rights Guide for People in Prison or seek legal advice.

How to contact PLS

PLS can provide legal advice about security classifications in some circumstances. However, we are a small community legal centre with limited staff. You can contact PLS:

By phone: Call our free advice line on **Tuesdays between 9-11am and 12-2pm**

By mail: Send a free blue letter to **GPO Box 257, Brisbane, QLD, 4001**

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