

## Practice Direction 12 Prisoners at Risk of Harm

- 12.1 The purpose of this Practice Direction is to regulate the practice and procedure in relation to persons who may be at risk of harm if remanded into custody or sentenced or committed to a term of imprisonment.
- 12.2 For the purposes of this Practice Direction a person may be at risk of harm if he or she is:
- 12.2.1 at risk of self-harm; or
  - 12.2.2 at risk of harm from a medical or physical condition; or
  - 12.2.3 at risk of harm from another prisoner or prisoners.

### At Risk of Self- Harm

- 12.3 A person is considered to be at risk of self-harm if he or she is:
- 12.3.1 suicidal or suspected of being suicidal;
  - 12.3.2 mentally ill or mentally disturbed (as defined under the *Mental Health and Related Services Act 1998*) or appears to be mentally ill or mentally disturbed;
  - 12.3.3 emotionally disturbed; or
  - 12.3.4 suffering from any other mental condition that the Court considers poses a significant risk to the person's mental health or medical/mental health advice indicates that 24 hour observation and "at risk" status are required.

### At Risk of Harm from a Medical or Physical Condition

- 12.4 A person is considered to be at risk of harm from a medical or physical condition if he or she is:
- 12.4.1 suffering from serious health problems or post-operative trauma;
  - 12.4.2 suffering, or likely to suffer, from severe alcohol or drug withdrawal symptoms; or
  - 12.4.3 suffering from any other condition that the Court or medical advice considers poses a significant risk to the person's physical health such that 24 hour observation and "at risk" status are required.

### At Risk of Harm from Another Prisoner or Prisoners

- 12.5 A person is considered to be at risk of harm from another prisoner or prisoners if he or she is at a significant risk to their physical health from that prisoner or prisoners.

## Procedure

- 12.6 Where there is information available to a prosecutor or counsel for a defendant indicating that a person may be at risk of harm of self-harm, at risk of harm from a medical or physical condition or at risk of harm from another prisoner or prisoners if that person is remanded into custody or sentenced or committed to a term of imprisonment, that information should be disclosed to the Court as soon as possible.
- 12.7 Such information may be in writing by way of the Prisoner at Risk form or verbally during Court proceedings. Information may be disclosed to the Court in the absence of the person.
- 12.8 Where such information is disclosed to the Court, it may order that:
- 12.8.1 the defendant may be at risk in one or more of the respects referred to in 12.2; and
- 12.8.2 all persons responsible for the custody of the defendant be advised that the defendant may be at risk in one or more of those respects and be provided with the information available to the Court in relation to the defendant's "at risk" status, including relevant medical or psychological reports.
- 12.9 Where the Court makes an order under 12.8, the presiding Judge must sign an order using the Prisoner at Risk Order and place it on the court file. The form can be found at [Schedule 2](#) and <https://localcourt.nt.gov.au/forms-fees#> .
- 12.10 Where the Court makes an order under 12.8:
- 12.10.1 the Registrar or their delegates shall notify all persons responsible for the defendant's custody of the "at risk" status of the defendant and relevant information to be communicated to by telephone, email or any combination thereof;
- 12.10.2 an urgent transcript of proceedings and any reasons shall be ordered and forwarded to the officers responsible for the defendant's custody;
- 12.10.3 court officers shall endorse the remand warrant or warrant of commitment to prison with the words at "risk of self-harm", or "at risk of harm from a medical or physical condition" or "at risk of harm from another prisoner or prisoners" – whichever is applicable; and
- 12.10.4 the officers responsible for the defendant's custody shall ensure that the defendant is not left unsupervised whilst in the custody of the Court.

# PRISONER AT RISK ORDER

Pursuant to Practice Direction 12.9

JUDGES ORDER	
Defendant:	Court:
<p>I .....make the following orders:</p> <ol style="list-style-type: none"> <li>1. That the above named defendant be declared to be at risk of:                             <ul style="list-style-type: none"> <li><input type="checkbox"/> self-harm;</li> <li><input type="checkbox"/> harm from a medical or physical condition; or</li> <li><input type="checkbox"/> harm from another prisoner or prisoners.</li> </ul> </li> <li>2. That all persons responsible for the custody of the defendant be advised that the defendant may at risk in the terms stated above and be provided with the information available to the Court in relation to the defendant's "at risk" status, including relevant medical or psychological reports.</li> </ol>	
<b>Judge's Observations:</b>	
Judge:	Date:
NOTIFICATION OF PRISONER AT RISK	
<p>The following defendant has been remanded in custody/sentenced/committed to a term of imprisonment (delete whichever is inapplicable) and is classified as a prisoner:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> at risk of self harm</li> <li><input type="checkbox"/> at risk of harm from a medical or physical condition</li> <li><input type="checkbox"/> at risk of harm from another prisoner or prisoners.</li> </ul>	
Name:	DOB:
File No/s:	
Defence Counsel:	
ATTACHED INFORMATION	
Copy of Practice Direction	Yes/No
Relevant Medical Reports	Yes/No
Order of the Court	Yes/No
Relevant Psychological Reports	Yes/No
Transcript of Proceedings (If no, transcript will be forwarded as soon as possible), including reasons for order	Yes/No
Other Documentation (Please Specify). See over.	Yes/No

**HAVING BEEN CLASSIFIED "AT RISK", IT IS ESSENTIAL THAT THE PRISONER NOT BE LEFT UNSUPERVISED WHILST IN THE CUSTODY OF THE COURT**

**INFORMATION REGARDING PRISONER AT RISK**

**Prosecutor's / Counsel's observation**

**Signed:**

**Date:**

**Other person's observation, including Court staff or custodial officers**

**Signed:**

**Date:**