

## Custodial Operations Policy and Procedures

# 23.2 Release from correctional centres

### Policy Summary

Corrective Services NSW (CSNSW) has the responsibility of releasing inmates in accordance with their legal detainers. A *Release checklist* has been developed to ensure all relevant records and document checks are undertaken to prior to release.

The early release or prolonged detention of inmates can result in CSNSW being subject to legal action and can erode public confidence in the correctional system. However, with an inmate’s consent, their release may be delayed for up to four days if there is good reason to do so.

Registrable persons must be given written notice of their reporting obligations and the consequences that may arise if they fail to comply with those obligations on release.

Any enquiries regarding an inmate’s legal entitlements to release during business hours should be made to the correctional centre’s Sentence Management Unit.

Enquiries outside of normal business hours are to be directed to the SMO Lodgements/Processing Unit, Sentence Management Operations Unit at [ssa@dcj.nsw.gov.au](mailto:ssa@dcj.nsw.gov.au) or 02 8688 0599

### Management of Public Correctional Centres Service Specifications

Service specifications	Professionalism and accountability
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## Scope

This section applies to all correctional centres and other facilities administered by or on behalf of CSNSW and all CSNSW employees.

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# 1 Release from correctional centres

## 1.1 Policy

SMO has the responsibility for identifying inmates to be released from correctional centres. Releases from a correctional centre may be scheduled or unscheduled.

### Scheduled Release

Scheduled releases are prepared by SMO in advance and a release list is disseminated to appropriate areas of the correctional centre (e.g. reception room, Functional Manager (FM)).

### Unscheduled release

A Release Package will be prepared and disseminated by the Correctional Centre's SMO Unit for unscheduled releases during business hours. Outside of business hours the SMO Lodgements/Processing team will prepare and disseminate the Release Package.

Note that these releases are usually as a result of an AVL appearance or where a pre-release bail condition has been met. Inmates may be held in CSNSW custody in lieu of a pre-release bail condition being met, and these can include:

- cash or security deposits;
- passport surrenders; or
- the need for a person to accompany the inmate from a correctional centre. (the person may arrive at the centre stating that they are there to collect an inmate from custody without any previous contact or advice.)

As these are unscheduled releases the local SMO staff will not be aware that a person is attending the correctional centre to assist the inmate to meet a pre-release requirement. Release packages can only be supplied to the centre once all pre-release conditions are met.

When a person arrives at a correctional centre to assist an inmate to meet a pre-release condition, correctional centre staff must contact the SMO team immediately to confirm the eligibility for release and if appropriate for the release package to be prepared.

Any enquiries regarding an inmate's legal entitlement to release during business hours should be made to the relevant correctional centre: [SSA contact list](#).

Enquiries outside of normal business hours are to be directed to Sentence Management Operations Unit at [ssa@dcj.nsw.gov.au](mailto:ssa@dcj.nsw.gov.au) or 02 8688 0599.

### Identification of inmates

The identification of the inmate to be released must be checked against the details recorded in OIMS – including images.

If there is no photograph available of the inmate, such as where they have been recently received from police custody and no photo accompanied the inmate, officers must exercise extreme caution and take steps to verify the inmate's identify before releasing them, this may include:

- comparing the inmate with a photograph in their property (e.g. driver licence), and
- asking them questions from the documentation available that is not likely to have been memorised by another inmate familiar with CSNSW practices.

There have been instances of an inmate being released while impersonating another inmate and this must be guarded against.

Every inmate released from custody to community-based supervision must have their image electronically recorded when officially released from custody at a correctional centre or transitional centre.

The inmate's identification card should be collected and placed in the Case Management File (CMF).

## **1.2 Case management of inmates for release**

The FM or an assigned officer is responsible for developing case plans and referrals for inmates serving sentences greater than three months, addressing post release issues as identified during the screening and induction process, and the CMF.

Inmates serving a sentence of less than three months, who do not come under the supervision of a community services officer, are expected to participate in an exit-screening program.

The program may take the form of group sessions, or one-on-one interviews by case officers, OS&P staff or inmate peers.

It is the responsibility of the manager, OS&P to oversee the development of an exit screening program for inmates serving short-term sentences, depending on the identified needs of their inmate population.

The following are areas of concern to be addressed and finalised prior to an inmate's release:

- proof of identification
- housing
- clothing
- transport needs
- financial issues (e.g. bank accounts, Department of Human Services (DHS) (Centrelink) interviews)
- any identified AOD or mental health issues.

Inmates identified during the screening process as needing assistance in any of these areas should be referred to an appropriate member of the OS&P staff for follow up.

## **1.3 Audio visual link releases**

An inmate may be released from the centre where the Audio Visual Link (AVL) appearance was held. The release will be processed by the SMO of that centre.

## **1.4 Fares to place of residence**

Where there is a demonstrated need (e.g. the inmate does not have the finances or any other means of transport to their residence) inmates are entitled to financial assistance to

meet the cost of travelling to their residence within NSW (**Refer to COPP section 23.3 Fare to residence on release**).

## 1.5 Release certificate

SMO will prepare and check the releases from CSNSW custody. A fully completed release checklist will be provided to the custodial staff advising that a particular inmate is eligible for release. All releases will be emailed to the reception room or locally agreed email address relevant at the correctional centre.

An authorised officer of the centre is responsible for providing inmates with a *Release Certificate* at the time of release, and for endorsing the *Release Package* with the date/time of release.

All inmates who have been in CSNSW custody (including court cells) for more than 48 hours are to be issued with a *Release Certificate*.

In exceptional circumstances where an electronic *Release Certificate* cannot be issued (e.g. remote court location) staff are permitted to issue the inmate with a *Release Certificate (duplicate book)*. These books are available through the Corrective Services Industries (CSI) catalogue (product code 341 006).

Replacement *Release Certificates* are not to be issued due to risk of fraudulent claims to DHS (Centrelink) for crisis benefits. Released inmates who claim to have lost their *Release Certificate* must be directed to contact SMO on (02) 9289 5258 to arrange for verification of incarceration.

## 1.6 Procedures for generating a release certificate

	Procedure	Responsibility
1.	Insert specific paper into the printer before printing the <i>Release Certificate</i> .	Releasing Officer /MOS/FM/OIC
2.	Print the <i>Release Certificate</i> (this is generated from OIMS and printed on the specific paper). <b>Note:</b> To print the <i>Release Certificate</i> go to OIMS > utilities> report submissions> application field – Inmate Management reports> Report name – Release certificate Report> Parameters – min number> Date of release – date> Run report	Releasing Officer /MOS/FM/OIC
3.	Ensure that the release certificate contains the inmates: <ul style="list-style-type: none"> <li>• a photo of the inmate</li> <li>• the inmates name</li> <li>• the inmates date of birth</li> <li>• the time of release</li> <li>• booking number</li> <li>• <i>Release Certificate</i> number</li> <li>• dates of incarceration and</li> <li>• the name of the correctional centre released from.</li> </ul>	Releasing Officer /MOS/FM/OIC

	Procedure	Responsibility
4.	Ensure that the inmate and releasing officer sign the <i>Release Certificate</i> prior to release.	Releasing Officer/ MOS/FM/OIC

## 1.7 Release checklist for correctional centres

SMO officers at the correctional centre or Lodgements/Processing unit will prepare and check the release, a *Release from a Correctional Centre* form and corresponding documents will be emailed to Reception and FMs for actioning.

Notations must be included on the form indicating the name and signature of the SMO officer who prepared the papers. A SMO senior officer will check the papers and legality of the inmate's release.

The releasing officer is to add *Release Certificate* information, time and date of release and return to SMO via email.

## 1.8 Procedures for MOS/FM/OIC final of the inmate's release

	Procedure	Responsibility
1.	<p><b>External Leave Programs:</b> Ensure that the Home Radio Monitoring Unit (HRMU) has been:</p> <ul style="list-style-type: none"> <li>returned to the correctional centre</li> <li>appropriate notification regarding the removal of the bracelet/anklet and the return of the HRMU to the correctional centre has been scanned, emailed or faxed to the Electronic Monitoring Group (EMG).</li> </ul> <p>Ensure the electronic bracelet/anklet has been removed from the inmate by custodial staff.</p>	MOS/FM/OIC/ Releasing officer
2.	<p><b>Ensure the following release requirements have been finalised:</b></p> <ul style="list-style-type: none"> <li>The <i>Release from a Correctional Centre Form</i> signed by two SMO officers.</li> <li>Any attached documents are signed and given to inmate if required</li> <li>the <i>Form 6 Notice</i> has been signed (if applicable)</li> <li>reporting arrangements are sighted and provided to the inmate</li> <li>external agencies, such as police/rehabilitation centres/community services have been notified of any reporting arrangements for the inmate.</li> </ul>	MOS/FM/OIC/ Releasing officer
3.	<p><b>Immediately prior to release</b></p> <ul style="list-style-type: none"> <li>Confirm the inmate's identity</li> <li>check that an image of the inmate has been taken prior to release</li> </ul>	MOS/FM/OIC/ Releasing officer



	Procedure	Responsibility
	<ul style="list-style-type: none"> <li>• Provide a <i>Release Certificate</i> to the inmate and record details on the release package</li> <li>• check that JH&amp;FMHN has provided any required medication and/or referrals</li> <li>• ensure all inmate property and cash is receipted</li> <li>• appropriate fares have been provided to the inmate.</li> </ul>	

## 1.9 Procedures for scheduled releases

	Procedure	Responsibility
1.	Prepare a <i>Sentence Expiry Report</i> and disseminate prior to the release date (24 hours) to the appropriate areas of the correctional centre (e.g. reception room, FM).	SMO
2.	If SMO staff determine that an inmate is eligible for release, a Senior SMO officer must provide a final signature and forward the <i>Release Package</i> which includes all relevant paperwork to the Reception area (or as identified by Local Procedures) of the correctional centre. The completed <i>Release Package</i> provides the basis for the inmate to be released from custody.	SMO
3.	On receipt of <i>Release Package</i> from SMO take action to release the inmate on the scheduled date. If any doubt or discrepancy exists, contact the local SMO unit for advice.	MOS/FM/Officer in Charge (OIC) Releasing Officer
4.	Ensure release process is completed in accordance with the advice recorded on the <i>Release from a Correctional Centre</i> form.	MOS/FM/Officer in Charge (OIC) Releasing Officer
5.	Record release information on the <i>Release from a Correctional Centre</i> form and return to SMO	MOS/FM/Officer in Charge (OIC) Releasing Officer
6.	Give the inmate the opportunity to check all personal property, money, and records prior to release. Any discrepancies with property that can't be resolved must be documented and processed (refer to <b>section 7 Property on release</b> of this policy and <b>COPP section 4 Inmate property</b> ).	MOS/FM/OIC
7.	Issue fares to place of residence, if <b>appropriate</b> (refer to subsection <b>1.5 Fares to place of residence</b> of this policy and <b>COPP section 23.3 Fares to residence on release</b> ).	MOS/Authorised officer

## 1.10 Procedures for unscheduled releases

	Procedure	Responsibility
1.	Advise the OIC reception room or Night Senior of an unscheduled release.	SMO
2.	If SMO staff determine that an inmate is eligible for release, a Senior SMO officer must provide final check and forward the <i>Release Package</i> to the Reception area (or as identified by Local Procedures) of the correctional centre. The completed <i>Release Package</i> provides the basis for the inmate to be released from custody.	SMO
3.	On receipt of <i>Release Package</i> from SMO take action to release the inmate on the scheduled date. If any doubt or discrepancy exists, contact the local SMO unit for advice.	MOS/FM/Officer in Charge (OIC) Releasing Officer
4.	Ensure release process is completed in accordance with the advice recorded on the <i>Release from a Correctional Centre</i> form.	MOS/FM/Officer in Charge (OIC) Releasing Officer
5.	Record release information on the <i>Release from a Correctional Centre</i> form and return to SMO along with a copy of any documents signed by the inmate prior to release.	MOS/FM/Officer in Charge (OIC) Releasing Officer
6.	Issue fare to residence if appropriate (refer to subsection <b>1.5 Fares to place of residence</b> of this policy and <b>COPP section 23.3 Fares to residence on release</b> ).	FM/Authorised officer

## 2 Time of release

### 2.1 Policy

Scheduled releases should be made during office hours where possible to ensure the required checks and procedures are carried out.

There will be occasions where inmates will apply for release outside of normal business hours to comply with transport or reporting arrangements. Written requests by inmates and the relevant decision should be placed on the digital inmate warrant file.

Midnight releases are **not** generally recommended to be an acceptable practice; however, the Governor/MOS/FM has the final discretion.

### 2.2 Inmate request or consent to delay release

Under section 8(2) of the *Crimes (Administration of Sentences) Act 1999*, an inmate can request to delay their release to the next working day if the release date for their current sentence is on a Saturday, Sunday or Public Holiday. No Reason is required to be given for this to occur.

Separately, section 8A of the *Crimes (Administration of Sentences) Act 1999* specifies that an inmate may be released from custody up to four days after the date that the inmate would otherwise have been eligible to be released, if:

- there is a good reason to delay the release (such as a lack of transport), **and**
- the inmate requests or consents to the delay.

The inmate **must not** be held in a correctional centre for a period longer than the four-day limitation or beyond the period requested or consented to by the inmate.

Inmates may request a delay to their release by completing a *Request/Consent by inmate to delay release* form prior to or on their release date.

Inmates who are being released on bail who wish to delay their release can simply decline to enter into their bail acknowledgement until they are ready to be released. This is provided as an option on the *Request/Consent by inmate to delay release* form.

Where a court has ordered that a person be taken to a mental health facility for admission or assessment under section 19 or 21(a) or (b) of the *Mental Health and Cognitive Impairment (Forensic Provisions) Act 2020*, release of the inmate **cannot** be delayed. These orders must be actioned immediately.

A request by an inmate to delay their release may only be authorised by the Governor of the correctional centre or OIC.

The Governor or OIC must ensure that the inmate is advised of their right to withdraw their consent to remain in custody at any time. If the inmate withdraws their consent, the inmate **must be** released as soon as practicable.

Inmates may withdraw the request or consent to delay their release under section 8(2) or 8(2A) or indicate that they now wish to enter into their bail acknowledgement by advising a custodial officer that they want to be released.

An inmate may lack the capacity to consent to a delayed release (for example, if the inmate has a serious mental health concern or cognitive impairment such as intellectual disability). The [NSW Department of Justice 'Capacity Toolkit'](#) provides comprehensive information for assessing whether an inmate has capacity. If it is identified that the inmate lacks the capacity to consent, additional steps should be taken to facilitate legal assistance. If a Public Guardian is appointed, then the Guardian should be contacted to complete the request.

### 2.3 Reasons for a delay (section 8A only)

Section 8A allows for the inmate to apply to delay their release for a maximum of 4 days.

A delay to the release of an inmate beyond their release date under Section 8A is subject to the inmate providing their request or consent together with good reasons.

Some examples of reasons where a delay may be appropriate include:

- logistical difficulties with transport from the correctional centre to their residential address, for example:
  - critical transport delays or interruptions
  - where public transport is not available, requiring someone to collect them by car; or
  - public transport connections are only available after the original release date;

- where there is a flood or natural disaster and the inmate is unable to leave;
- significant safety or security concerns for the inmate;
- medical requirements (such as where urgent medication or medical treatment would not be available if released on that day);
- where appropriate arrangements are required to support the inmate with reintegration, such as accommodation or critical health or mental health supports.

## 2.4 Conditions for delaying release

If an inmate's request or consent to remain in custody is approved, risks must be assessed to determine how the inmate should be best managed.

The Governor/OIC must take all reasonable care to prevent harm or injury to the inmate, in line with usual duty of care responsibilities towards inmates.

In most cases, the inmate seeking delayed release should be isolated from other inmates but may be placed two-out if a risk assessment finds two-out placement most suitable.

If the inmate is to remain in custody longer than one day after their release date, the inmate must be consulted on a daily basis by the FM (or authorised officer) to confirm whether they do or do not wish to be released that day.

The inmate **must be released** at the end of the 4<sup>th</sup> day after their release date.

The risk assessment results and the daily consultation with the inmate must be documented in OIMS case notes.

## 2.5 Procedures for delayed releases

	Procedure	Responsibility
1.	Provide the inmate with the <i>Request/Consent to delay release</i> form, and any assistance required to complete the form. For section 8A, decide if there is a good reason to delay release along with an inmate's request or consent, and approve or decline delay. <b>Note:</b> Examples listed under subsection <b>2.3 Reasons for a delay</b> of this policy.	Governor/OIC
2.	Ensure that all relevant staff are advised of the delay to the inmate's release and the day that the inmate is to be released. Ensure the inmate is advised that they can withdraw their consent at any time and have their release processed as soon as practicable (e.g. the following A watch).	Governor/OIC
3.	Ensure that an email is sent to SSA informing the unit that the inmate's release has been delayed.	Governor/OIC/ Authorised officer

	Procedure	Responsibility
4.	<p>Enter a case note in OIMs recording:</p> <ul style="list-style-type: none"> <li>the date that the inmate was due to be released</li> <li>the date that the inmate requested/ consented to a delay to their release</li> <li>details of the inmate's request or consent and reasons for the delay</li> <li>the decision made regarding the application</li> <li>who has made the decision (name and rank).</li> </ul>	Governor/OIC/ Authorised officer
5.	<p>Ensure that an assessment of risks to the inmate is conducted and these managed appropriately (refer to subsection <b>2.4 Conditions for delaying release</b> of this policy). Results of a risk assessment must be documented in an OIMS case note.</p>	Governor/OIC/ Authorised officer
6.	<p>If the inmate has been held in custody for longer than 1 day following their release date, consult daily with the inmate about their willingness to continue to remain in custody (refer to subsection <b>2.4 Conditions for delaying release</b> of this policy). Enter a case note in OIMS recording the daily consultation.</p>	FM
7.	<p>Ensure that the inmate is released on the day requested/ consented to (no later than 4 days after their release date).</p>	Governor/OIC
8.	<p>If the inmate wishes to be released prior to their agreed delayed release date, ensure that the <i>Amendment to request/consent</i> section of the form is completed. Inform SMO by email and release the inmate as soon as practicable (subject to operational requirements) after they sign the withdrawal.</p>	Governor/OIC

## 3 Registrable persons

### 3.1 Policy

Under section 6 of the *Child Protection (Offenders Registration) Act 2000*, inmates who have been in custody for 14 or more consecutive days and have been identified as a registrable person must be given written notice of their reporting obligations and the consequences that may arise if they fail to comply with those obligations on release.

If an inmate is identified as a registrable person, they must be served with a *Form 3: Child protection notice*. This notice advises the inmate:

- when to report to police
- documentation/information they must provide to police
- what happens if they want to leave NSW
- special reporting arrangements if they have a disability
- what to do if there are changes to their circumstances.

It is important that the *Form 3: Child protection notice* is completed correctly, as the NSW Police Force (NSWPF) rely on the completion of this form to successfully prosecute registrable persons should they not comply with their reporting obligations.

Part 1 of the form must be completed by the registrable person and include the:

- **exact date** that the inmate must report to the police station (this **must** be within 7 days of release)
- name of the registrable person
- signature of the registrable person.

Part 2 of the form is completed by the notifier (releasing officer) and must include the:

- name of notifier
- signature of notifier
- rank and command
- place and date of notification.

If the inmate refuses to sign or has not been given notice, this must be identified on the form, and a comment/explanation provided.

Ensure that all pages of the Form 3: Child protection notice are scanned and emailed (or fax) to the police, if required to do so by Local Order.

Figure 1 – Extract of the Child Protection Register Notice

<b><u>It is important that you read this information and understand it, or have someone explain it to you such as your lawyer, your Community Corrections officer, or a police officer.</u></b>	
<b>ACKNOWLEDGMENT OF NOTIFICATION</b>	
<b>To be completed by Registrable Person:</b>	
I acknowledge that I have been given this Notice and am required to attend a police station by no later than: ___/___/___	
1. NAME OF REGISTRABLE PERSON	_____
2. SIGNATURE OF REGISTRABLE PERSON	.....
<b>To be completed by Notifier:</b>	
<b>MUST BE COMPLETED BY NOTIFIER IN CAPITAL LETTERS</b>	
1. NAME OF NOTIFIER	□□□□□□□□□□□□□□□□□□□□
2. SIGNATURE OF NOTIFIER	.....
3. RANK & COMMAND	_____
4. PLACE & DATE OF NOTIFICATION	_____ ___/___/___
<input type="checkbox"/>	TICK THIS BOX IF THE REGISTRABLE PERSON HAS BEEN DULY NOTIFIED BUT <b>REFUSES</b> TO SIGN THIS NOTICE
<input type="checkbox"/>	TICK THIS BOX IF THE REGISTRABLE PERSON HAS <b>NOT BEEN GIVEN</b> THIS NOTICE
(Comment/Explanation if required) .....	
<b><u>Officer to send completed original acknowledgment (6 pages) to the Child Protection Register immediately after notification and file copy – Email: <a href="mailto:cpr@police.nsw.gov.au">cpr@police.nsw.gov.au</a> Fax: 8835 8677</u></b>	



## 3.2 Procedures

If an inmate is identified as a registrable person, the following procedures must be applied in conjunction with either scheduled/unscheduled release procedures.

	Procedure	Responsibility
1.	Generate a <i>Form 3: Child protection notice</i> from OIMS and provide it with the <i>Release checklist</i> and other release documentation for the inmate.	SMO
2.	Ensure the <i>Form 3: Child protection notice</i> is completed, and a copy provided to the inmate. Ensure that every field of the form is completed.	Releasing officer
3.	Forward a copy of the form to the Child Protection Register, either by email to <a href="mailto:cpr@police.nsw.gov.au">cpr@police.nsw.gov.au</a> or by fax to 02 8835 8677 immediately. Ensure all pages of the <i>Form 3: Child protection notice</i> are emailed/faxed to the Child Protection Register.	Releasing officer
4.	Ensure the original <i>Form 3, Child protection notice</i> is returned with the <i>Release from a Correctional Centre</i> form to SMO via email	Releasing officer

## 4 Interstate transfers

### 4.1 Policy

Once an interstate transfer has been approved, correspondence will be sent from the SMO unit advising the General Manager (GM) (delegate), Court Escort Security Unit (CESU), Corrections Intelligence Branch, and the Governor of the correctional centre, of the pending release.

The inmate must only be released on receipt of an endorsed *Order of Transfer* authorising the release of the inmate and outlining the specifics of the escort to the receiving state.

### 4.2 Procedures

	Procedure	Responsibility
1.	Advise the FM and the OIC reception room on receipt of the <i>Order of transfer</i> of the pending release to allow time for a pre-release property inspection.	Governor/ delegate
2.	Advise the inmate of the terms of their transfer and seek written instructions from the inmate as to the disposal of personal property that will not be taken on the escort. Inform the inmate that they will meet the cost and bear the risk if they would like personal property forwarded to them. These arrangements will be co-ordinated by the FM and the OS&P officer.	MOS/OIC

	Procedure	Responsibility
3.	Have the transport officer sign for all documents and property travelling with an inmate being transferred from the complex.	MOS/OIC
4.	The transfer of an inmate from NSW follows the same process as a scheduled release. A copy of the detainer will be included in the package for the benefit of escorting officers and the receiving jurisdiction.	SMO
5.	Advise the Health Centre of the pending release.	FM
6.	Prepare a cheque in respect of the inmate's private cash.	Accounts Clerk
7.	Obtain certified copies of detainer to accompany the inmate on their escort interstate.	SMO

## 5 Compassionate release

### 5.1 Policy

There is provision for the release of inmates under exceptional extenuating circumstances or if the inmate is dying. This would generally be to facilitate ease of care and treatment for an inmate who had suffered a serious or life-threatening injury while in gaol, or who may be suffering from a terminal illness.

The procedures for release at the expiration of sentences apply on the receipt of an order from the State Parole Authority (SPA) or other releasing authority, advising of an inmate's early release on compassionate grounds.

If the inmate has been transferred to a public hospital:

- the MOS/FM, or an authorised officer must conduct the pre-release interview (where possible).
- the OS&P officer involved should facilitate the return of the inmate's property.

Once the inmate's exceptional medical circumstances are identified, the Governor or delegate of the centre must complete the following procedures.

### 5.2 Procedures

	Procedure	Responsibility
1.	Contact the Director, Office of State-wide Administration of Sentences and Orders (OSASO) on (02) 8346 1000 to identify the protocols necessary to apply for early release. OSASO will provide information regarding the kinds of reports to be prepared, and the relevant personnel to be notified.	Governor (delegate)
2.	Where time is critical (such as where the inmate is dying), instruct the OSASO to immediately notify the Commissioner and the releasing authority that an application for release may be forthcoming based on the medical evidence alone.	Governor (delegate)



	Procedure	Responsibility
3.	Ensure that the OS&P officer notifies the Next of Kin (NOK) and facilitates visits by the NOK.	Governor (delegate)
4.	Communicate with both the OS&P officer and the officers undertaking the escort with regards to the protocols for visits, if the inmate is to be transferred to a public hospital.	Governor (delegate)

## 6 Immigration/deportation

### 6.1 Policy

The imprisonment status of inmates in these circumstances is Deportee. Border Force (BF) will advise SMO in writing of release details, including the proposed date and time the inmate will be escorted.

These detainees must be accompanied by an *Order to hold* signed by an authorised officer from BF and can only be released on the authority of that department.

BF are responsible for escorts of such detainees.

SMO will prepare any transfer to BF as a release from CSNSW custody, any enquiries in relation to such releases should be brought to the attention of SMO of the correctional centre.

### 6.2 Procedures

	Procedure	Responsibility
1.	Ensure the officers escorting the inmate are in possession of a <i>Transfer of custody order</i> issued by DHA.	MOS – Releasing Officer
2.	Advise the FM and the OIC of reception of the pending release.	MOS – Releasing Officer
3.	Ensure that a <i>Release Package</i> is prepared and disseminated by SMO.	SMO, MOS – Releasing Officer
4.	Facilitate a property inspection and obtain written instructions about the disposal of any private property which will not accompany the inmate on deportation.  Inform the inmate that they bear the risk and meet the expense if they would like their property forwarded to them. These arrangements must be co-ordinated between the FM or authorised officer and the OS&P officer attached to the centre.	FM/Authorised officer
5.	Complete the <i>COVID-19 checklist: Release to immigration</i> and hand to Australian Border Force (ABF) when they arrive to take custody of the inmate.	FM/Authorised officer

## 7 Property on release

### 7.1 Property inspection

Where sufficient notice of the release is provided, the FM or authorised officer is to facilitate an inspection of the inmate's private property and cash records prior to the pre-release interview.

This information is particularly crucial in determining any entitlement to a special gratuity payment.

### 7.2 Complaints in relation to private property

An inmate may lodge a written complaint with the accommodation officer as to the condition of, or any missing property, or any error in the property records.

This complaint must be referred immediately to the FM, who must ensure the complaint is investigated by the OIC reception room, and the results provided to the inmate at the time of pre-release interview.

Should the inmate not be satisfied with the results of the investigation, the Governor (delegate) must forward notification of this fact to the Director or their delegate.

### 7.3 Return of CSNSW property

Prior to release, inmates must return all CSNSW property including library material, clothing and equipment (including OTAB's and associated accessories, but excluding earphones).

Property issued by CSNSW is noted on the inmate property card maintained in the reception room.

When arranging for pre-release property inspections, area managers should advise inmates of all property due to be returned on the day of release (**refer to COPP section 4 *Inmate property***).

If an inmate has a disability alert on OIMS, the Equipment block of the OIMS *Disability screen* must be checked to see if the inmate has been issued with disability equipment.

If the inmate has been issued with disability equipment, the equipment must be returned and the *Issued/returned by* field in OIMS completed (**Refer to COPP section 6.9 *Inmates with a disability***).

## 8 Quick links

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

## 9 Definitions

Appellant (App)	Inmates who have appeal against all unexpired full time imprisonment sentences on the grounds that they are not guilty (Conviction) and/or the sentences is too harsh (Severity). DDP can also appeal on the grounds that a sentence is too lenient.
Appropriate Officer	Judge, registrar or assistant registrar of the Court of Criminal Appeal, the Supreme Court, the Land and Environment Court, the Industrial Court, the District Court or the Drug Court, or <ul style="list-style-type: none"> <li>• Magistrate of the Local Court or a Children’s Magistrate, or</li> <li>• an authorised justice, or</li> <li>• police officer with power to grant bail, or</li> <li>• an officer of the Department of Communities and Justice authorised by the Commissioner of Corrective Services for the purposes of this section, or</li> <li>• a person prescribed by the regulations as an appropriate officer.</li> </ul>
AVL	Audio Visual Link
CESU	Court Escort Security Unit
CMF	Case Management File
COPP	Custodial Operations Procedures Policy
DHA	Department of Home Affairs (Formerly, the Department of Immigration and Border Protection)
DHS	Department of Human Services (Centrelink)
ECP	An inmate’s nominated contact person in case of a medical emergency, such as, but not limited to spouse, de facto partner, a parent, adult child, sibling, or trusted person. ECP can be the same person as the nominated NOK. The ECP is contacted if an inmate is taken to hospital with life threatening injuries and it is obvious he or she will be admitted. For non-life threatening injuries, the inmate’s ECP is contacted on the day admission to hospital is confirmed. An inmate’s consent to contact the ECP will be obtained unless the inmate is incapable of giving consent. The ECP will also be contacted if an inmate is an inpatient and: <ul style="list-style-type: none"> <li>- Their medical condition deteriorates and becomes life threatening; or</li> <li>- Their hospital stay is extended beyond the expected hospital discharge date.</li> </ul>

	The ECP is not contacted in the case of death, unless they are also the nominated NOK.
EMG	Electronic Monitoring Group
EPRD	Earliest Possible Release Date
Federal (Commonwealth) Attorney General's Department (AG)	The Attorney General's office in Canberra is the releasing authority in the case of Commonwealth parole.
Fixed term sentence	A sentence with no non-parole period. The inmate is eligible for release on the expiration of the fixed term.
GM	General Manager
Good behaviour bond	<p>This is a deferred sentence under sections 9, 10, and 11, or a suspended sentence under section 12, of the Crimes (Sentencing Procedure) Act 1999.</p> <p>Under these orders inmates can be released from custody upon their signing an order from the court that includes conditions to be of good behaviour for a specified period of time. There will usually be a number of other conditions listed on the bond e.g. reporting to the Probation and Parole Service or attending for treatment programs.</p>
Head sentence	Total sentence period consisting of the Non-Parole Period and the Parole Period
NOK	<p>An inmate's nominated contact person in the case of death, or deemed life threatening by Health staff, such as, but not limited to spouse, de facto partner, a parent, adult child, sibling, or trusted person.</p> <p>The NOK is contacted in the case of death and this is done by Police.</p> <p>The NOK will not be contacted upon admission to Hospital for a non-life threatening situation.</p>
Non-parole period (NPP)	<p>This refers to the minimum period an inmate must serve in custody before they may be released to parole.</p> <p>In cases of sentences of three years or less, an inmate's release is automatic at the expiration of the non-parole period. The Parole Order is used by the Sentence Court (NSW Offences only)</p> <p>In cases where sentences are more than three years, the inmate's case for release must be considered by the State Parole Authority or Federal A/Gs who will issue parole orders if parole is granted.</p> <p>An inmate is subject to automatic release at the expiration of their Head sentence.</p>
OIC	Officer in Charge
OSASO	Office of Statewide Administration of Sentences and Orders
OS&P	Offender Services and Programs

Parole	Parole refers to that portion of a sentence to be served in the community. Parole orders will specify the conditions under which the inmate is to be released. Only those inmates whose orders include specific conditions to accept the supervision of the Community Offender Services will have to report to a parole officer in the community.
Parole Revocations/Breach of Parole (BOP)	The State Parole Authority can revoke parole orders, balance of Periodic Detention orders, and balance of Home Detention orders on receiving information that parolees have breached their conditions of release.  In some instances the State Parole Authority may issue a BOP warrant ordering the parolee's return to custody. The State Parole Authority must consider the parolee's case to determine if they are to be released prior to the sentence expiry date.
Pre-Release Period (PPR)	Is the term of full imprisonment (if it is imposed by the Sentencing Court) that an inmate must serve prior to being released on a Recognizance Release Order.
Remand Inmate	A remand inmate is defined as a person who has either been unable to meet bail conditions or has had bail refused. This may also be in respect of appeal matters.  As remand warrants will expire on the day the inmate appears in court, a new remand warrant or other form of detainer must accompany the inmate upon his/her return to the correctional centre.
Recognizance Release Order (Recog)	Is an order (if the court deems it necessary) that authorises the automatic release of an inmate sentenced on Federal Offences where the sentence term(s) is less than 3 years.
Registrable person	As defined in 3A of the Child Protection (Offenders Registration) Act 2000
Scheduled release	is prepared by SMO in advance and a release list is disseminated to appropriate areas of the Correctional Centre.
SMO	Sentence Management Operations
SPA	State Parole Authority grants parole on full time sentences greater than 3 years for NSW Offences and Interstate sentences being served in NSW.  SPA can also revoke Parole Orders, ICOs, Home Detention Orders and Periodic Detention Orders imposed on NSW Offences.
Unscheduled release	A release of an inmate at short notice.

## 10 Document information

<b>Business centre:</b>	Statewide Operations	
<b>Approver:</b>	Dr Anne Marie Martin Deputy Commissioner Security and Custody	
<b>Date of effect:</b>	16 December 2017	
<b>EDRMS container:</b>	18/7334	
<b>Version</b>	<b>Date</b>	<b>Reason for amendment</b>
1.0		Initial publication ( <i>Replaces section 11 of the superseded Operations Procedures Manual</i> )
1.1	12/03/19	Inclusion of Parts 2.2 – 2.5 Delay of release Inclusion of Part 3 Registrable persons
1.2	12/03/20	General formatting update and improvements
1.3	23/09/20	Included requirement to complete and hand to ABF the COVID-19 Checklist: Release to Immigration at [6.2] Procedures.
1.4	28/01/22	Amended throughout to incorporate the introduction of Digital Inmate Warrant files – refer to Commissioners Memorandum 2022/03 <i>Transition to Digital Inmate Warrant Files</i> .
1.5	08/07/22	Expanded NOK and ECP definitions.
1.6	05/10/22	Updated Sub-Section 1.5 – Release Certificate – Removal of Senior Commissioned Custodial Officer to an Authorised Officer of the centre to be responsible for the Release Certificates – refer to Commissioners Memorandum 2022/03 <i>Transition to Digital Inmate Warrant Files</i> .
1.7	27/11/23	Amended to reflect changes to SA Manual 6.4 <i>Delay of Day of Release</i> . Refer to Deputy Commissioners Memorandum 2022/21 <i>Inmate Request or Consent to Delay Release</i> . Updates in line with CSNSW restructure: Deletion of reference to Security & Intelligence (S&I).
1.8	08/04/24	Updated subsections 2.2 – 2.5 to reflect change to legislation
1.9	09/08/24	Inclusion of Offender Tablets (OTABS) at 7.3 <i>Return of CSNSW property</i>
1.10	12/09/24	Amendments at 1.1 <i>Policy</i> to clarify when Sentence Management must be consulted and/or informed.  Amendments to sections 2.2 – 2.5 to include new <i>Request/Consent by inmate to delay release</i> form.