

Australian Capital Territory

Corrections Management (Prisoner Leave) Policy 2009

Notifiable instrument NI2009-151

made under the

***Corrections Management Act 2007*, section 14(1) (Corrections policies and operating procedures)**

1 Name of instrument

This instrument is the *Corrections Management (Prisoner Leave) Policy 2009*.

2 Commencement

This instrument commences on the day after it is notified.

3 Policy

I make the

PRISONER LEAVE POLICY

attached to this instrument, to facilitate the effective and efficient management of correctional services.

James Ryan
Executive Director
ACT Corrective Services
25 March 2009



Alexander Maconochie Centre (AMC)



PRISONER LEAVE POLICY

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Purpose

To outline the prisoner leave policy.

Authority

Legislation

Corrections Management Act 2007, sections 14 and 217, and chapters 12 and 13.

Policy

Prisoners may be granted local or interstate leave from a correctional centre.

When a prisoner is sentenced, an assessment of a prisoner leave permit must be performed. When a prisoner is un-sentenced or on remand, the Superintendent is unable to perform a comprehensive assessment for the following reasons:

- unresolved court matters;
- the reasons why a court has declined bail;
- administration of justice;
- potential to interfere with victims; and
- community expectations (i.e. is the prisoner in custody?).

Local Leave

The Superintendent may give a prisoner local leave for up to seven (7) days as considered appropriate.

The purpose of a local leave permit may include, but is not limited to:

- to attend a health or rehabilitation service;
- to take part in work or work-related activities; and/or
- for compassionate reasons;

A local leave permit will be issued each time a prisoner is granted leave.

The consideration for a prisoner's participation in local leave should be viewed as a risk assessment process.

Evaluations should take consideration of all available information regarding the prisoner's classification and security status.

The local leave permit will include the following information:

- the purpose for which the leave is granted;
- the period for which the leave is granted; and
- any conditions placed on the leave.

Local leave may be escorted or unescorted. The decision as to escort requirements will be made by the Superintendent following consideration of the purpose of the leave, the security classification of the prisoner, the risk to the community, and any other factors deemed relevant. When making the determination the Superintendent will consult with the Victim Liaison Officer to determine if there should be any conditions placed on the leave permit. This consultation should occur as soon as practicable so as to allow notification to be made to any registered victims.

Escorted leave will be conducted in accordance with the *Escorts Policy and Procedure*. Transitional release and low security prisoners may not require an escort during local leave however this is at the discretion of the Superintendent.

Minimum and maximum security prisoners are likely to require an escort; however this is at the discretion of the Superintendent. Should any prisoner require an escort during local leave, the standard procedure for escort is to be followed.

A copy of the leave permit will be forwarded to the Sentence Administration Section for filing.

Interstate Leave

The Executive Director may give a prisoner permission to travel to and from, and remain in, a participating State or Territory for up to seven (7) days.

An interstate leave permit is given to a maximum security prisoner only if the leave is to receive a health service or on compassionate grounds. The Superintendent may issue an interstate leave permit for other prisoners for any reason considered appropriate.

An interstate leave permit will be issued each time a prisoner is granted leave.

The interstate leave permit will include the following information:

- the State or Territory to which the permit applies;
- the purpose for which the leave is granted;
- the period for which leave is granted; and
- any conditions placed on the leave.

Interstate leave may be escorted or unescorted. This decision will be made by the Superintendent following a consideration of the purpose of the leave, the security classification of the prisoner, the risk to the community, and any other factors deemed relevant. When making the determination the Superintendent will consult with the Victim Liaison Officer to determine if there should be any conditions placed on the leave permit. This consultation should occur as soon as practicable so as to allow for notifications to be provided to any registered victims.

All escorted leave will be conducted in accordance with the *Escorts Policy and Procedure*.

A copy of the leave permit will be forwarded to the Sentence Administration Section for filing.

Notice to Participating States

The Superintendent must advise the following people, in writing, that an interstate leave permit has been given to a prisoner:

- the corresponding Chief Executive of the participating State to which the permit applies;
- the chief of police (however described) of the participating State to which the permit applies; and
- the chief of police (however described) of any other state or Territory through which the prisoner may travel under the permit.

The notification must include the period of the permit.

Powers of Escort Officers

To maintain custody of the prisoner, or to arrest the prisoner if the prisoner has escaped, an Escort Officer may:

- give the prisoner direction that the officer believes, on reasonable grounds, is necessary and reasonable;
- use force in accordance with the *Use of Force Policy and Procedure*.

An escort officer may conduct a scanning search, frisk search or ordinary search of the prisoner if the officer suspects, on reasonable grounds that the prisoner may be carrying a prohibited item.

Forms and Templates

Local leave permit

Interstate leave permit

Related Policies and Procedures

Escorts Policy

Escorts Procedure

Use of Force Policy

Use of Force Procedure

Urinalysis Policy