

Australian Capital Territory

Corrections Management (Prisoner Leave) Policy 2010

Notifiable instrument NI2010-391

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 2010*

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.

4 Revocation

This instrument revokes notifiable instrument NI2009-151

James Ryan
Executive Director
ACT Corrective Services
9 July 2010



PRISONER LEAVE POLICY

Purpose		1
Authority		1
Policy		1
Conditions on Leave		1
Local Leave		2
Interstate Leave		2
Notice to Participating States		3
Powers of Escort Officers		3
Escape of Interstate Prisoners		4
Suspension or Cancellation of Leave	4	
Taking a Urine Sample or SOTER Scan	4	
Forms and Templates	4	
Related Policies and Procedures		4

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 an ACT Correctional Centre.

A prisoner leave permit assessment will be completed by the Superintendent on all sentenced prisoners when they request for local or interstate leave.

The Superintendent will complete prisoner leave permit assessments for remand prisoners. The Superintendent will consider the following issues when assessing the leave permit:

- unresolved court matters;
- the reasons why a court has declined bail;
- administration of justice;
- potential for prisoners to interfere with victims; and
- community expectations.

Conditions on Leave

The following conditions will be imposed on all leave permits, if applicable:

- (a) not commit an offence;
- (b) be of good behaviour and conduct during the period of the grant of leave;
- (c) abstain from consuming alcohol or the use of non-prescribed drugs;
- (d) not visit a place selling/serving alcohol;
- (e) refrain from gambling;
- (f) not associate with any other prisoner, ex-prisoner or person of ill-repute;

- (g) not to leave the ACT Territory;
- (h) understand that the permit may be cancelled or suspended at any time at the discretion of the Superintendent or Executive Director
- (i) agree to abide by other conditions as specified;
- (j) the use of restraints and the number of escort officials; and
- (k) any other conditions imposed by the Superintendent or Executive Director.

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:

- as part of the Transitional Release program;
- to attend a health or rehabilitation service;
- to take part in work or work-related activities; or
- for compassionate reasons.

A Prisoner Local Leave Permit must 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 Prisoner Local Leave Permit will include the following information:

- the purpose for which the leave is granted;
- the location(s) at which the prisoner has approved leave;
- the period for which the leave is granted; and
- any conditions placed on the leave by ACT Corrective Services (ACTCS).

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 CO3 and/or Superintendent will consult with the Victim Liaison Officer (VLO) 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 minimum security prisoners may not require an escort during local leave however this is at the discretion of the Superintendent.

Medium 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.

Interstate Leave

In accordance with section 208 of the *Corrections Management Act 2007* 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) consecutive days, for any reason considered appropriate.

Prisoner Interstate Leave Permits for maximum security prisoners will only be issued if the leave is to enable the prisoner to receive a health service or for a compassionate reason or in any other case for any purpose the Executive Director believes, on reasonable grounds, is appropriate.

A Prisoner Interstate Leave Permit will be issued each time a prisoner is granted leave. The Prisoner 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 by the Executive Director.

Interstate leave may be escorted or unescorted. This decision will be made by the Executive Director in consultation with 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 CO3 and/or Superintendent will consult with the VLO to determine if there should be any conditions placed on the interstate 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*.

Notice to Participating States

The Superintendent must advise the following authorities, in writing, that an interstate leave permit has been approved 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;
- the chief of police (however described) of any other State or Territory through which the prisoner may travel under the permit.

The notification will 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 part 9.7 of the *Corrections Management Act 2007* and 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. Searches will be conducted in accordance with the *Searching Procedure and Policy*.

Escape of Interstate Prisoners

If a prisoner escapes from lawful custody whilst on interstate leave, the prisoner may be arrested without a warrant by:

- an interstate escort officer for the prisoner; or
- a police officer.

Suspension or Cancellation of Leave

All types of leave may be cancelled or suspended at any time at the absolute discretion of the Superintendent or Executive Director. This shall be stated on the leave permit.

Taking a Urine Sample or SOTER Scan

The Superintendent may give direction to a prisoner returning from local or interstate leave to complete a urinalysis test or SOTER scan in accordance with the *Urinalysis Policy and Procedure*, and *SOTER X-Ray Body Scanner Policy and Procedure*.

Forms and Templates

Interstate Leave Conditions & Declaration by Prisoner

Local Leave Conditions & Declaration by Prisoner

Prisoner Local Leave Application

Prisoner Local Leave Permit

Prisoner Interstate Leave Permit

Related Policies and Procedures

Escorts Policy

Escorts Procedure

Prisoner Leave Procedure

Searching Policy

Searching Procedure

SOTER X-Ray Body Scanner Policy

SOTER X-RAY Body Scanner Operating Procedure

Use of Force Policy

Use of Force Procedure

Urinalysis Policy

Urinalysis Procedure