

# Corrections Management (Management of Return to Custody Notifications) Operating Procedure 2020

Notifiable instrument NI2020-344

made under the

Corrections Management Act 2007, s14 (Corrections policies and operating procedures)

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## 1 Name of instrument

This instrument is the *Corrections Management (Management of Return to Custody Notifications) Operating Procedure 2020*.

## 2 Commencement

This instrument commences on the day after its notification day.

## 3 Operating Procedure

I make this operating procedure to facilitate the effective and efficient management of correctional services.

## 4 Revocation

This operating procedure revokes the *Corrections Management (Management of Detainees with Return to Custody Classification) Operating Procedure 2018* [NI2018-33].



Jon Peach  
Commissioner  
ACT Corrective Services  
23 June 2020



<b>OPERATING PROCEDURE</b>	<b>Management of Return to Custody Notifications</b>
<b>OPERATING PROCEDURE NO.</b>	<b>D39</b>
<b>SCOPE</b>	<b>Alexander Maconochie Centre / Court Transport Unit</b>

## STATEMENT OF PURPOSE

To provide instruction to staff on the management and notification of outstanding court orders for detainee's attending court to ensure detainees are not wrongfully released or unlawfully held in custody.

## PROCEDURES

### 1. Sentence Administration Section

- 1.1 The Sentence Administration Section will maintain a Remand Warrant Register to determine whether detainees attending court are eligible for release from custody.
- 1.2 Where a detainee attending court is not eligible to be released due to outstanding court matters requiring custody, the Sentence Administration Section will complete an electronic Return to Custody (RTC) notification to advise custodial officers not to release the detainee.
- 1.3 An RTC notification will include:
  - The date of the notification
  - Detainee Name
  - PID
  - Court date and relevant charge numbers
  - Court the detainee is to appear before
  - Relevant warrants and orders
  - Email and telephone contacts for the Sentence Administration Section.
- 1.4 The Sentence Administration Section will prepare a daily RTC Report that contains the following information from the RTC notifications for detainees attending court:
  - Detainee name
  - PID
  - RTC next court date
  - Total number of detainees attending court with an RTC notification.
- 1.5 The Sentence Administration Section will email the RTC Report to [CTU@act.gov.au](mailto:CTU@act.gov.au), [AMC.Admissions@act.gov.au](mailto:AMC.Admissions@act.gov.au) and [DPP.SentenceAdministrationBoard@act.gov.au](mailto:DPP.SentenceAdministrationBoard@act.gov.au) one (1) business day prior to the relevant date.
- 1.6 Where there is a discrepancy or query in relation to releasing a detainee, it is the responsibility of the Sentence Administration Section to obtain clarification from ACT Courts and Tribunal and/or the Office of the Director of Public Prosecutions on behalf of ACT Corrective Services.

## **2. Admissions Officer**

- 2.1 The Admissions Officer will review the RTC Report each day and indicate on the escort sheet for a detainee whether they have a return to custody notification, including for detainees attending bail matters via Audio Visual Link from the Alexander Maconochie Centre (AMC).
- 2.2 Admissions Officers must obtain written confirmation from the Sentence Administration Section prior to releasing a detainee with an RTC notification, including for detainees who have been granted release on day bail.

## **3. Court Transport Unit (CTU) Operations**

- 3.1 The CTU Officer-in-Charge (OIC) must check the RTC Report each day for all detainees escorted to the courts and ensure all CTU officers are aware of RTC notifications for detainees.
- 3.2 The CTU OIC must ensure that the RTC status for each detainee is recorded on the daily court result sheet in the CTU control room.
- 3.3 Where a CTU officer believes a detainee may be released by the court, they must contact the CTU OIC via radio to confirm the RTC status of the detainee.
- 3.4 Under section 3.3, the CTU OIC must:
  - immediately conduct a status check on the detainee's electronic record system and the RTC Report
  - where the detainee has an RTC notification and the outstanding matters have not been heard by the court, contact the Sentence Administration Section by telephone for clarification and to request written confirmation on releasing the detainee to [CTU@act.gov.au](mailto:CTU@act.gov.au).
- 3.5 The CTU OIC will confirm whether the detainee can be released to the requesting CTU officer.
- 3.6 CTU officers must obtain written confirmation from the Sentence Administration Section prior to releasing a detainee with an RTC notification.

## **RELATED DOCUMENTS AND FORMS**

- Administration of Warrants Operating Procedure
- Detainee Transfer Form
- Detainee Escort Sheet
- Return to Custody Notification
- Return to Custody Report

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22 June 2020

## Document details

Criteria	Details
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Date effective:	The day after the notification date
Review date:	3 years after the notification date
Responsible Officer:	Deputy Commissioner Custodial Operations
Compliance:	This operating procedure reflects the requirements of the <i>Corrections Management (Policy Framework) Policy 2020</i>

Version Control			
Version no.	Date	Description	Author
V1	April-20	First Issued	A Johnston