

Australian Capital Territory

# Corrections Management (Release of an ACT Detainee Residing in a NSW Correctional Centre) Operating Procedure 2022

Notifiable instrument NI2022-139

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 (Release of an ACT Detainee Residing in a NSW Correctional Centre) Operating Procedure 2022*.

## 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.

Ray Johnson APM  
Commissioner  
ACT Corrective Services  
23 March 2022



<b>OPERATING PROCEDURE</b>	<b>Release of an ACT Detainee Residing in a NSW Correctional Centre</b>
<b>OPERATING PROCEDURE NO.</b>	<b>D40.2</b>
<b>SCOPE</b>	<b>Alexander Maconochie Centre</b>

## PURPOSE

To provide instructions to staff on the release process for an Australian Capital Territory (ACT) detainee residing in a New South Wales (NSW) Correctional Centre.

## PROCEDURES

### 1. Release at end of sentence

- 1.1. Where a detainee who has been relocated to NSW, becomes eligible for release the ACTCS Throughcare team or Sentence Management Unit must contact the detainee to assess their needs for release and their preferred release location.
- 1.2. Detainees who are approaching their head sentence end date and have no further charges, sentences or orders may nominate in writing by email to [SentenceManagement.Unit@act.gov.au](mailto:SentenceManagement.Unit@act.gov.au) to be released from the NSW correctional centre they reside in, or to be transported to ACT for release. If the detainee is silent on their preferred release location, they must be transported to ACT for release.
- 1.3. Where a detainee requests to be released from a NSW correctional centre, the Sentence Management Unit will consider whether this is appropriate based on their individual circumstances and in accordance with ACTCS' duty of care to ACT detainees, including consideration of:
  - a) Aboriginal or Torres Strait Islander status and cultural considerations
  - b) significant ties to ACT, e.g. family ties
  - c) health status and any current health interventions
  - d) any registered victims and/or victim statement
  - e) any other relevant consideration.
- 1.4. On completion of consideration of the circumstances under section 1.3 of this operating procedure, the Sentence Management Officer must provide a recommendation in writing to the Senior Director Sentence Management. The Senior Director Sentence Management must determine whether the detainee may be released from an NSW Correctional Centre.
- 1.5. The Sentence Administration Section (SAS) must confirm the detainee does not have any outstanding matters. If the detainee is returning to the ACT, SAS must provide confirmation to the Throughcare team and Sentence Management Unit for release planning purposes. They

must also advise the Intelligence Unit of the status of the detainee, whether they are returning to the ACT or remaining in NSW.

- 1.6. Where a detainee is approved to be released from a NSW correctional centre, the Director, Sentence Administration must ensure the detainee is provided any documentation required for release.
- 1.7. Where the detainee is to be returned to the ACT for release, the Director, Sentence Administration must ensure transportation to the ACT is arranged in accordance with section 3 of this operating procedure.

## **2. Release through Parole**

- 2.1. When a detainee who has been relocated to NSW becomes eligible for parole, the ACT Sentence Administration Board Secretariat (SAB Secretariat) will contact the Sentence Administration Section (SAS) to request the detainee's contact details. SAS must provide the SAB Secretariat the detainee's contact details within five (5) working days.
- 2.2. SAB Secretariat is responsible for providing the detainee with notification of eligibility to apply for parole.
- 2.3. A detainee applying for parole must submit their parole application to the ACT Parole Unit for consideration by the ACT Sentence Administration Board (SAB).
- 2.4. The detainee may contact the Sentence Management Unit (SMU) for support to complete and submit their application.
- 2.5. When the ACT Parole Unit receives the detainee's application for parole the Parole Officer must notify:
  - a) the Throughcare Unit
  - b) the Sentence Management Unit
  - c) Community Corrections.
- 2.6. The officer coordinating the detainee's release planning must contact the detainee to discuss their return to the ACT for Parole and other matters relating to release planning.
- 2.7. ACTCS staff undertaking release planning must consider each detainee's individual circumstances to decide on the timing of the detainee's return to the ACT. This may be before parole has been approved depending on individual circumstances and needs. Where there is an approved parole transfer in place for the detainee, the detainee is not required to return to ACT.
- 2.8. If the detainee is successful in being granted parole the Intelligence Unit must be notified of the detainees return and status.

## **3. Transportation from NSW**

- 3.1. When it has been determined that the detainee is to be returned to the ACT, the officer coordinating the detainee's release planning must make a request to the General Manager to return the detainee from NSW for the purpose of release. The request must be made in writing and include:

- a) current location
- b) release date
- c) if requested that the detainee is returned more than six (6) weeks before their release date, the reason, e.g., setting up supports, undertaking parole application etc.
- d) any other information as requested.

3.2. If the General Manager does not approve returning the detainee at the time requested, they must provide reasons and propose an alternative date for the return of the detainee. The General Manager will provide the coordinating officer with the reason why and proposed date within 24 hours of making a decision. The coordinating officer will then pass information onto the detainee and will finalise return.

## RELATED DOCUMENTS AND FORMS

- Relocating a Detainee to a NSW Correctional Centre Policy

Corinne Justason  
 Deputy Commissioner Custodial Operations  
 ACT Corrective Services  
 03 March 2022

### Document details

Criteria	Details
Document title:	<i>Corrections Management (Release of an ACT Detainee Residing in a NSW Correctional Centre) Operating Procedure 2022</i>
Document owner/approver:	Deputy Commissioner Custodial Operations, ACT Corrective Services
Date effective:	The day after the notification date
Review date:	3 years after the notification date
Responsible Officer:	Senior Director Offender Reintegration
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	October-2021	First issue	K Cullen