

Custodial Operations Policy and Procedures

23.1 Releases from police or court cells

Policy summary

Corrective Services NSW (CSNSW) has the responsibility of releasing inmates in accordance with their legal detainers. A *Release checklist for inmates attending Court with no further detainers* has been developed to ensure record and document checks are undertaken prior to release from police/court cells.

The primary objective of police/court cells is to house inmates safely and securely for the purpose of Court appearances and/or in transit to a correctional centre. Inmates in a police/court cell complex usually appear as:

- inmates serving Balance of Parole (BOP)
- appellants
- bail applicants, or
- Do Not Release (DNR) inmates.

Any enquiries regarding an inmate's legal entitlements to release during business hours should be made to the relevant State Sentence Administration (SSA). Enquiries outside of normal business hours are to be directed to the State Sentence Administration Lodgements Unit ssa@dcj.nsw.gov.au or 8688-0599

Management of Public Correctional Centres Service Specifications

| | |
|-----------------------|------------------------------------|
| Service specification | 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 police or court cells

1.1 Policy

CSNSW has the responsibility of releasing inmates in accordance with their legal detainers. An inmate may be released from police/court cells if bail is granted or their court matters are finalised and there are no other existing detainers in existence.

All releases require authorisation from SSA officer at the correctional centre or Lodgements/Processing unit

For a new reception, a *Fresh Custody Clearance* (Detainer Check) for an inmate appearing at court will be completed by SSA. The *Fresh Custody Clearance* is only valid for the inmate's immediate court appearance. A further clearance will need to be sought for any subsequent appearances or for an inmate to be detained in custody or released.

For inmates received from correctional centres a *Release checklist for inmates attending Court with no further detainers* must be completed.

The OIC of the court complex must ensure the following documents are completed and returned to SSA and Inmate Placements for every inmate's court appearance, irrespective of whether the inmate returns to the correctional centre:

- Police Bail Refused/Not Met (PBRNM)
- *Release checklist for inmates attending Court with no further detainers*
- *Fresh Custody Clearance*
- *Court Result Sheet (refer to COPP section 1.2 Reception - warrants and detainers and Sentence Administration Manual: section 4 Movements and Schedules).*

Inmates may request to delay their release or decline to enter into their bail acknowledgement until they are ready to be released. Refer to **COPP section 23.2 Release from correctional centres** regarding policy for inmate request or consent to delay release.

Interpreter services should be used where necessary to ensure assistance is provided in a language understood by the inmate (**refer to COPP section 11.1 Language services**).

During business hours, any enquiries regarding an inmate's legal entitlements to release should be made to the SSA at the relevant correctional centre (refer to the [SSA contact list](#)).

Enquiries outside of business hours must be directed to State Sentence administration Lodgement unit at ssa@dcj.nsw.gov.au or 8688 - 0599

2 Identification of inmates

2.1 Inmates received from Police

The identification of the inmate to be released should be checked against the NSW Police photo, details on the *Personal Data Form (PDF)* and/or *Inmate Profile Document*, if available.

If there is limited identification information, officers should exercise extreme caution before releasing the inmate, and take steps to verify the inmate's identity. For example, by:

- comparing the inmate with a photograph in their property (e.g. driver licence), and
- asking the inmate questions from the documentation available (e.g. *Inmate Profile Document*, *Custody Management Record (CMR)*, *Inmate Identification Observation (IIO)*) that is unlikely to have been memorised by another inmate familiar with CSNSW practices.

A request may be made to NSW Police for assistance in the identification process.

2.2 Inmates received from correctional centres

All inmates received from correctional centres should have a photo provided by the escorting officers. This must be used to identify the inmate prior to release.

If a photo is not provided staff should use the Offender Integrated Management System (OIMS) to print out an *Inmate Profile Document*. If this is unavailable contact the SSA unit to provide other means of identification.

2.3 Registrable persons

Refer to **COPP section 23.2 Release from correctional centres** regarding policy for registrable persons.

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 for Inmates Attending Court with no further Detainers</i> . | SSA |
| 2. | Ensure the <i>Form 3: Child protection notice</i> is completed and a copy provided to the inmate. | OIC of Police/ Court cells |
| 3. | Forward a copy of the form to the Child Protection Register, either by email to cpr@police.nsw.gov.au or by fax to 02 8835 8677 immediately. Ensure that all pages of the <i>Form 3: Child protection notice</i> are emailed or faxed to the Child Protection Register. | OIC of Police/ Court cells |

| | Procedure | Responsibility |
|----|--|-------------------------------|
| 4. | Forward a copy of the form to SSA at the correctional centre the inmate was received from by email or fax. | OIC of Police/ Court cells |

3 Release of inmates received from police (PBRNM)

3.1 Policy

SSA must be provided with a copy of the *New Inmate Lodgement and Special Instruction Sheet* (lodgement) for a detainer check to be conducted. Following a detainer check, SSA will provide either:

- a DNR confirming that the inmate must not be released, or
- a *Fresh Custody Release Clearance* for the inmate's release.

3.2 Procedures

| | Procedure | Responsibility |
|----|---|-------------------------------|
| 1. | Check the <i>Fresh Custody Clearance</i> from SSA and any other documentation. If a DNR has been provided the inmate is not eligible for release. Contact SSA to clarify if any doubt exists. | OIC of Police/ Court cells |
| 2. | Correctly identify inmate to be released. | OIC of Police/ Court cells |
| 3. | Ensure release procedures are completed according to the specific type of release e.g. bail, bond, sentence expiry. The procedures for these releases can be found in the Sentence Administration Manual (SA Manual), section 6 Release of Inmates. | OIC of Police/ Court cells |
| 4. | Return property and cash, and issue fare to place of residence, where applicable. | OIC of Police/ Court cells |
| 5. | Complete the <i>Fresh Custody Clearance</i> and return (scan and email) to SSA on the details provided. The relevant release information will then be entered into OIMS by SSA. | OIC of Police/ Court cells |

4 Release of inmates received from correctional centres

4.1 Policy

The Court Escort Security Unit (CESU) must take note of whether the inmate has been identified as cleared for release or a DNR according to the checks that have been conducted by SSA at the relevant correctional centre. If there are any doubts regarding the clearance or DNR, SSA at the relevant correctional centre (or SSA Lodgements/Processing unit if outside of business hours) should be contacted.

SSA will provide a *Do Not Release* (DNR) form for inmates that still have a current detainer(s). If the inmate becomes eligible for release due to the Court's decision, SSA must be contacted for a *Release Checklist for Inmates Attending Court with no further Detainer* to be provided. Advise SSA staff that matters on the DNR were dealt with by the Court.

4.2 Procedures

| | Procedure | Responsibility |
|----|--|-------------------------------|
| 1. | <p>Check the SSA <i>Release Checklist for Inmates Attending Court with no further Detainers</i> for the inmate. An inmate must not be released until a <i>Release Checklist for Inmates Attending Court with no further Detainers</i> is received from SSA.</p> <p>Note: If an inmate has been sentenced to a period that is over three years, the State Parole Authority (SPA) must authorise the release of the inmate even if the NPP has expired. The inmate must return to the correctional centre to await a hearing before SPA and subsequent release authorisation.</p> | OIC of Police/ Court cells |
| 2. | Correctly identify inmate to be released. | OIC of Police/ Court cells |
| 3. | <p>Ensure release process is completed depending on the specific type of release e.g. bail, bond, sentence expiry (refer to Sentence Administration Manual, section 6 <i>Release of Inmates from a correctional centre</i>).</p> <p>All offences must be reconciled with the Appearance Order(s) (and Court Order where relevant) sent with the inmate from the correctional centre (refer to SA manual, section 4 <i>Movements and Schedules</i>).</p> <p>Note: If applicable, complete the <i>Child Protection Notice</i> (Form 3) with the inmate (refer to subsection 2.3 Registrable persons in relation to the completion of this form).</p> | OIC of Police/ Court cells |
| 4. | Complete section 3 of the Release checklist for inmates attending Court with no further detainers and forward to SSA at the relevant correctional centre. | OIC of Police/ Court cells |

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| | SSA will notify the relevant reception room who will then release the inmate from OIMS. | |
| 5. | Return property and cash, issue fare to place of residence where applicable. If an inmate is released at Court, they are to return to the correctional centre of origin to obtain all personal property, money, and records. | OIC of Police/ Court cells |
| 6. | Complete the <i>Notification of inmate discharged from court</i> and return it immediately to the Inmate Placement Officer (on email [REDACTED] or Fax [REDACTED]). | OIC of Police/ Court cells |

4.3 Release certificates

Refer to **COPP section 23.2 Release from correctional centres** regarding procedure for release certificates.

4.4 Release into the custody of a named person or location

Where bail conditions order that the inmate is to be released to a named person or location the following must be checked:

- the identification of the named person
- the authority of the staff member at the location to represent the organisation. This may be in the form of a letter of introduction or an identification card
- a copy of the identification/authority provided should be retained with the release paperwork (refer to SA manual, section 6 *Release of Inmates from a correctional centre*).

4.5 Procedure for collection of personal property

| | Procedure | Responsibility |
|----|--|-------------------------------|
| 1. | PBRNM Inmates Provide the inmate with their property, including personal belongings and valuables. | OIC of Court/ Police cells |
| 2. | Correctional centre inmates Give the inmate the phone number of the correctional centre to arrange for the collection of personal property that is held at the centre. Advise them that they must collect this property within 30 days, or it may be subject to disposal. | OIC of Court/ Police cells |

4.6 Fares to place of residence

Procedures for issuing fares to place of residence are contained in **COPP section 23.3 Fares to place of residence** and **SA Manual section 6 Release of Inmates from a Correctional Centre**.

5 Quick links

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

6 Definitions

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| Amber Laurel Correctional Centre | Is an intake and transient facility that houses newly arrested or charged offenders as well as those who have been refused bail and facing court. |
| Bail | <p>Bail may be granted to an inmate which provides a set of conditions that an inmate must adhere to while at liberty.</p> <p>The bail will also determine when the inmate will be required to appear before the court on a specified date.</p> <p>Bail conditions may include conduct requirements, a security to be provided, character acknowledgements, accommodation requirements, pre-release requirements and enforcement conditions.</p> |
| BOP | Balance of Parole |
| CESU | Court Escort Security unit |
| COPP | Custodial Operations Policy and Procedures |
| CSNSW | Corrective Services NSW |
| DNR | Do Not Release. An inmate appearing in court who has other detainers requiring their return to the correctional centre after court. |
| 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> <p>Failure to adhere to the conditions can result in the court ordering the offender to return to the court for the imposition of a sentence.</p> |
| MHFPA | Mental Health (Forensic Provisions) Act 1990 |
| PBRNM | Police Bail Refused/Not Met |
| PDF | Personal Data Form |
| Police/Court Cells | Cells attached to a court house or Police station where inmates are awaiting to appear before the Court, or have been remanded in custody to a future date and awaiting transfer to a correctional centre. |
| SSA | State Sentence Administration |

7 Document information

Business centre: Custodial Operations

approver: Kevin Corcoran

Date of effect: 16 December 2017

EDRMS container: D19/0211695

| Version | Date | Reason for amendment |
|----------------|-------------|--|
| 1.0 | | Initial publication (<i>Replaces section 11 of the superseded Operations Procedures Manual</i>) |
| 1.1 | 12/03/19 | Inclusion of Part 2.3 Registrable persons and a reference to the delayed release of inmates in 1.1 Policy |
| 1.2 | 21/01/20 | Clarification at [1.1] - 'A further clearance will need to be sought for any subsequent appearances or for an inmate to be detained in custody or released. ' |
| 1.3 | 12/03/20 | General formatting update and improvements |
| 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> |
