



Commissioner's Instruction

No: 01 / 2018

For the information of all CSNSW staff

Subject: Mobile Phones and Places of Detention

PREAMBLE

This Instruction is issued in accordance with the provisions of section 235B of the *Crimes (Administration of Sentences) Act 1999*. Commissioner's Instructions amount to lawful orders and any staff member who intentionally disobeys or disregards this Instruction, or is found to be negligent in the performance of their duties, may be liable to disciplinary action under the *Government Sector Employment Act 2013*.

BACKGROUND

Section 253G of the *Crimes (Administration of Sentences) Act 1999* ('the Act') prohibits any person from doing the following, or attempting to do the following without lawful authority:

- delivering anything to an inmate
- bringing anything into a place of detention
- conveying anything out of a place of detention
- receiving anything for conveyance out of a place of detention
- secreting or leaving anything at any place for the purpose of being found or received by an inmate.

This includes the taking or attempting to take mobile phones, mobile phone parts or any other type of communication device with similar capabilities into or out of a correctional centre.

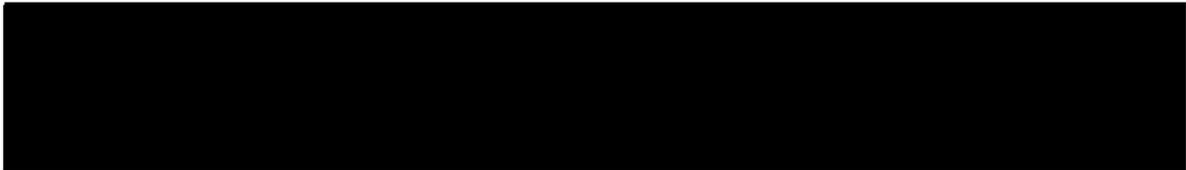
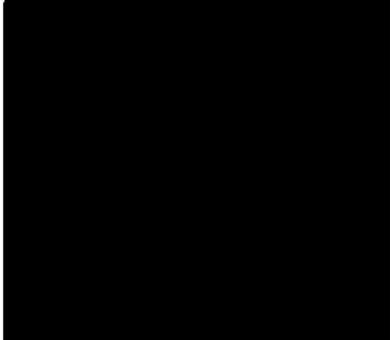
The maximum penalty is 20 penalty units or imprisonment for 2 years, or both.

Importantly this section of the Act applies to CSNSW staff, visitors and any other person working in a correctional centre.

This restriction does not apply to a police officer or correctional officer, bringing inmate property into a correctional centre, which may include a mobile telephone, mobile phone parts or any other type of communication device. These inmate items are to be stored as valuable property and secured in a correctional centre reception room with no inmate access.

INSTRUCTION

Staff and visitors are permitted to bring their mobile phone or other communications device(s) onto a correctional complex however, before entering a correctional centre they must secure the device(s) in their car or with their other personal items in a locker provided prior to entering through the gate screening areas.





Commissioner's Instruction

No: 02 / 2018

For the information of all CSNSW staff

Subject: Changes to pre-release processes and community management of parolees

PREAMBLE

This Instruction is issued in accordance with the provisions of section 235B of the *Crimes (Administration of Sentences) Act 1999*. Commissioner's Instructions amount to lawful orders and any staff member who intentionally disobeys or disregards this Instruction, or is found to be negligent in the performance of their duties, may be liable to disciplinary action under the *Government Sector Employment Act 2013*.

BACKGROUND

In the recent past there has been significant media attention about a sex offender who allegedly reoffended while on parole. As a result of this incident, the Government has announced a number of changes to the way sex offenders and serious violent offenders on parole will be managed.

The changes are measures that provide additional oversight in managing sex offenders and serious violent offenders. Sound risk assessment, critical analysis, and evidence based management strategies remain the basis of our report writing and supervision.

CHANGES ANNOUNCED BY GOVERNMENT

Directors must sign pre-release reports for certain inmates

This change applies to inmates who are:

- being considered for parole for sex offences
- being considered for parole for serious violent offences including murder, attempted murder, manslaughter, or any offence causing grievous bodily harm
- serious offenders under s3 of the *Crimes (Administration of Sentences) Act 1999*
- being considered for an order under the *Crimes (High Risk Offenders) Act 2006* or the *Terrorism (High Risk Offenders) Act 2017*.

Directors must review and sign pre-release reports for the inmates listed above to improve consistency and risk management and to ensure community expectations are appropriately considered. The Community Corrections Business Analyst will provide directors with a list relevant inmates each month.

Directors must ensure that pre-release reports for these inmates:

- take into account community safety
- are clear, concise and logical
- include recommendations that are supported by sound analysis and reasoning
- appropriately consider any impact on registered victims
- are consistent with section K5 of the policy manual.

Supervision must not be suspended for certain parolees

This change only applies to:

- offenders on parole for sex offences.

The supervision of offenders who are on parole for sex offences must not be suspended.

The State Parole Authority must be notified of all breaches by certain parolees

This change only applies to offenders on parole for:

- sex offences
- serious violent offences including murder, attempted murder, manslaughter, or any offence causing grievous bodily harm.

For the offenders listed above, community corrections officers must submit a breach of parole notification to the State Parole Authority (including the Federal Attorney-General) for all breaches of parole conditions that will be managed locally (see policy I4.2). The officer must continue to manage the offender while waiting for the State Parole Authority to make a decision.

Officers must submit notifications on the same day that they become aware of the breach. Notifications do not need unit leader sign off, but officers must copy their unit leader into the email when submitting the report. The officer must still have a breach discussion with the unit leader and record the discussion in a case note.

The *Breach of parole notification* template will be reactivated in OIMS. Please note that community corrections officers must not include a recommendation in the notification. The State Parole Authority will make a decision regarding the appropriate action to take.

Breaches that must be notified include, but are not limited to, breaches where the offender:

- fails to report to the officer
- fails to attend a program session
- fails to attend a service provider as directed
- admits to drug use or returns a positive drug test
- drinks alcohol when an abstinence condition is in force
- fails to comply with a direction from the officer.

A breach notification is not required for incidental technical breaches, such as where:

- the parolee is late for an appointment
- a service provider cancels an appointment with the parolee
- the parolee has been unable to comply with a parole condition for verifiable reasons that are outside of their control.

Action required

Community corrections officers must identify all offenders on their caseloads who are on parole for sex offences or serious violent offences.

By 7 December 2018, officers must advise these offenders that all breaches of parole will be referred to the State Parole Authority. Officers may advise offenders in person, or by telephone, email or text message, and must discuss the change with each offender at their next appointment.

Officers must submit breach notifications to the State Parole Authority, effective immediately, irrespective of whether the offender has been advised of the change.

Future change – Certain parolees will be electronically monitored after release

This change will only apply to:

- serious sex offenders.

All serious sex offenders released to parole will be electronically monitored. This change will be implemented in approximately two weeks, after the relevant legislation has been updated. The change will not apply to offenders who have already been released to parole.

Staff will be provided with further details of the electronic monitoring requirements (e.g. which electronic monitoring stage will apply), and a list of the affected offenders, as soon as this information is available.

Future change – Exchanging information with police

The process for exchanging information with the NSW Police Force is currently being reviewed. Staff will be advised of any changes arising from the review.

CRITICAL ANALYSIS AND OFFENDER MANAGEMENT

The Community Corrections Officer Handbook was published in October 2015. It continues to provide a solid basis for the approach we use to manage offenders in the community.

Over the last year or so, we have made a number of changes that reflect the principles of the Handbook. These include the way in which we write pre-sentence, pre-release and breach reports, how we make decisions about responding to breaches and managing risk, and how we document those decisions.

I encourage all staff to review the Handbook, and to ensure they are familiar with sections of the policy manual that will assist with critical thinking and assessment. These include sections D4, C3, and K5.

All of these changes emphasise the importance of ensuring we make good decisions based on a critical analysis of the information available at the time. A good decision is one where we have based the decision on sound reasoning, not one that simply follows procedures. Refer to the section on decision making on pages 40–47 of the Handbook for more details.

ENQUIRIES

Please send any enquiries to the contact officer below. The Community Corrections Policy and Procedures Manual has not yet been updated to reflect these changes but will be updated shortly.

