



# **CORRECTIVE SERVICES NSW**

## ***Contact with Offender Policy***

<b><i>Issued by</i></b>	<b><i>Probity and Staff Development Division</i></b>
<b><i>Issue Date</i></b>	<b><i>May 2010</i></b>
<b><i>Review Date</i></b>	<b><i>August 2012</i></b>

## **1. THE POLICY**

It is inevitable that some employees of Corrective Services NSW (“CSNSW”) will have social or off-duty contact with offenders, including interstate offenders, to whom they are related or with whom they are otherwise involved. While there is no absolute prohibition on any such relationship, it is recognised that the moral choices of employees may be challenged by divided loyalties and so can create a conflict of interest.

It is therefore important that personal relationships and/or significant social or off-duty contact with offenders, including interstate offenders, are disclosed so that risks may be managed and false perceptions corrected.

To avoid negative perceptions or the risk of manipulation that may arise from improper contact with offenders, it is important that all employees adopt and maintain professionalism in their everyday work in accordance with this policy and CSNSW’s *Guide to Conduct and Ethics*.

## **2. PURPOSE/RATIONALE**

A conflict of interest that adversely affects, has the potential to affect or may be perceived to affect, an employee’s decision-making may lead to corrupt conduct or undermine public confidence in the integrity of CSNSW as well as the employee.

Employees are therefore obliged to report all known relationships or significant social or off-duty contact with offenders, including interstate offenders. Failure to report or misrepresentation of the relationship / contact may result in disciplinary action. Improper relationships / contact of any kind with offenders, including interstate offenders, will not be tolerated.

The purpose of this policy is to provide guidance and procedures for employees to identify and declare any personal involvement with or relationship to offenders or any significant social or off-duty contact with offenders. This includes contact with interstate offenders. It also provides guidance to enable supervisors to manage any conflict of interest that has arisen or may arise from any such relationship or social or off-duty contact.

## **3. SCOPE**

This policy applies to all full-time, part-time, temporary and casual employees of CSNSW as well as Official Visitors and Contractors.

## **4. STRATEGIC FOCUS**

CSNSW’s [Guide to Conduct and Ethics](#) – Section 2.5 “Conflicts of Interest”, especially Section 3.1 “Professional conduct towards offenders”.

## **5. RELEVANT LEGISLATION**

[Crimes \(Administration of Sentences\) Act 1999](#)

[Criminal Records Act 1991](#)

[Independent Commission Against Corruption Act 1988](#)

[Anti-Discrimination Act \(NSW\) 1977](#)

[Protected Disclosures Act 1994 \(NSW\)](#)

[Public Finance and Audit Act 1983](#)

[Public Sector Employment and Management Act 2002 \(PSEM Act\)](#)

## 6. RELATED POLICIES/DOCUMENTS

[Conflicts of Interest](#)

[Gifts and Benefits](#)

[Management of Professional Conduct](#)

[Protected Disclosures](#)

## 7. RELATED MEMORANDA/INSTRUCTIONS

[Commissioner's Instruction 2010/02](#) "Conflicts of Interest"

## 8. DEFINITIONS

### **Conflict of Interest**

A conflict of interest exists, is perceived to exist or has the potential to exist where an employee has personal interests which could improperly influence the performance of their official duties.

For the purposes of defining a conflict of interest, an employee's 'personal interests' include not only their own personal, professional or business interests but also those of their family, friends and associates.

A conflict of interest could be a precursor to corrupt conduct as it may adversely affect, or could adversely affect, either directly or indirectly, the honest or impartial exercise of official duties by an employee of Corrective Services NSW.

### **Misconduct**

In relation to contact with offenders, including interstate offenders, 'misconduct' includes but is not limited to:

- failure to identify any personal involvement, relationship, or significant social or off-duty contact with an offender or offenders when the employee could have reasonably been expected to do so;
- failure to declare any personal involvement, relationship, or significant social or off-duty contact with an offender or offenders; or
- failure to comply with any agreed upon strategy to manage contact with any offender(s).

### **Offender**

An offender is:

- a person who is currently serving any sentence of imprisonment, periodic detention or who is under the supervision of Community Offender Services for any offence or is remanded in custody for any offence in any State / Territory in Australia.
- a person who has served such a sentence or undergone such supervision and whose conviction is not spent (within the meaning of the Criminal Records Act 1991 Sect 7(1)), ie;
  - a person who has served a custodial sentence of more than six months;
  - a person who has ever been convicted of a sexual offence;
  - any other person who in the past ten years has served any sentence of imprisonment or periodic detention or has been under the supervision of Community Offender Services for any offence.

## **Relationship**

A relationship exists if the offender is an employee's:

- family member (parent, child, sibling, grandparent, cousin, aunt, uncle);
- partner or former partner (spouse, de facto, boyfriend, girlfriend - including same sex);
- relation through marriage (eg; parent-in-law, brother-in-law, sister-in-law, step-child, step-brother, step-sister).

## **Significant "off duty or social contact"**

Examples include, but are not limited to, an employee:

- having a friendship with someone they know to be an offender – ie; they speak on the telephone, exchange emails or spend social time together, even though it may only happen occasionally;
- who is a member of the same club, team, organisation, or similar association as someone they know to be an offender and they closely interact;
- interacting closely with someone they know to be an offender for a reason other than the purposes of their occupation; and
- who has done, or does some work for, a private business which has offenders as clients.

## **9. PROCEDURAL INSTRUCTIONS**

In accordance with CSNSW's Conflicts of Interest policy, once a conflict of interest, a perceived conflict of interest or a potential conflict of interest, is identified all employees are required to report it in writing to their manager immediately, or on the next occasion they attend duty. Therefore, any employee is required to report in writing to their manager immediately, or on the next occasion they attend duty, all known relationships or significant social or off-duty contact with someone they know to be an offender, including an interstate offender as per the procedures outlined below:

### **9.1 Disclosing contact with an offender**

**Employees** are required to:

Complete Pages One and Two of the **Contact with Offender Declaration** (Attachment 1) and give it to their manager. The information will be treated as confidential and will be disclosed only where necessary for the purpose of managing risk. Disciplinary action may be taken against any employee who discloses confidential information inappropriately.

If at any time in the future these details change or if contact is made with or they become related to an offender, including an interstate offender, employees are required to immediately complete a new Declaration and submit it to their manager.

Upon receipt of the Declaration, **Managers** are required to:

- interview the employee immediately, or on the next occasion the employee attends duty, and complete Pages Three and Four (Management Action) of the Declaration;
- assist and advise the employee about appropriate ways to manage any contact;
- take appropriate management action to avoid any negative impacts of a conflict of interest;
- provide written advice/directions to the employee. A copy of the completed Declaration (Pages One to Four) must be given to the employee;

- if required, nominate a line manager to monitor any contact. Employee must be advised by the manager of the nominated officer and monitoring is to be done in consultation with the employee;
- provide a copy of the Declaration to the line manager with the identified Management Action to be taken;
- fax the Declaration to Corrections Intelligence Group (CIG) on 9748 0624;
- Declaration to be placed on employee's Personal File

Further information about Conflicts of Interest can be found in CSNSW's Conflicts of Interest policy or on the ICAC website at [www.icac.nsw.gov.au](http://www.icac.nsw.gov.au).

## **9.2 Non-reportable contact with offender/s**

Casual or unintentional meetings with offenders regardless of their frequency do not have to be reported. For example, there is no need for employees to report each time they see an offender in the local supermarket. Such contact may be a regular occurrence, particularly in country locations.

Employees are required to distinguish between 'casual' and 'significant' contact by using reasonable judgement and common sense, bearing in mind the need to avoid perceptions of 'improper association' and 'conflict of interest'. Where there is doubt, employees should seek the advice of their supervisor.

Employees are also not obliged to report contact with people in the community who have been convicted of minor offences for which they did not receive a custodial sentence or community supervision, or whose convictions are 'spent'.

## **9.3 Employees who work in the community**

Though it may sometimes be appropriate for employees who work in the community to maintain ongoing community contact with offenders, this may only be conducted within a regulated framework that is consistent with Throughcare, is recorded and is known to managers and supervisors.

All employees must be seen to be accountable, impartial and fair in their contact with offenders whether in custody or in a community setting. They must not act in any way that raises concern about the professional nature of their contact.

CSNSW recognises the difficulties arising for employees who work in rural and remote locations and for those from distinct cultural or indigenous communities as they are more likely to come into social or off-duty contact with offenders. Contact that has the potential to harm the reputation of the employee and/or CSNSW must be avoided.

## **9.4 Employees' obligations to maintain a professional relationship with an offender**

Employees who are working with offenders must be professional at all times and must not overstep boundaries established for the performance of their role. Employees need to keep in mind the perception of improper conduct or existence of an improper relationship that can arise if routines, regulations and other protocols are not strictly and consistently followed, or if any contact becomes too familiar. Employees need to be aware of the negative consequences that arise when such a perception is created in the mind of a colleague, an offender or member of the public.

Employees should avoid any situation that may give rise to suspicion about the nature of their contact with an offender. All dealings with offenders must therefore be transparent and accountable.

Employees need to be aware that inappropriate contact with offenders can leave them open to exploitation and manipulation. Employees can be compromised by offenders if they break the rules, even in a minor way. Experience has shown that this may lead to threats and intimidation or pressure to do the wrong thing.

No employee should leave themselves vulnerable to negative perceptions or to exploitation and appropriate action will be taken against any employee who does so.

## **9.5 Use of offender labour for private purposes**

The use of inmate or offender labour to provide services to employees of CSNSW for private purposes is not permitted at any time. Such a practice is contrary to clause 165 (2) of the Crimes (Administration of Sentences) Regulation 2001 which provides that:

*An inmate must not be employed to perform work for the benefit of the Commissioner or any correctional officer or officer of CSNSW.*

*Similarly, clause 188 (2) of the Regulation provides that a periodic detainee must not be employed to perform work for the benefit of the Commissioner or any correctional officer or officer of CSNSW.*

This also applies to the use of the services of home detainees, persons subject to community service orders, parolees and other persons supervised by Community Offender Services.

Examples of prohibited conduct include:

- mechanical or other repairs on employees' private vehicles;
- computer repairs or upgrading of software on employees' private computers;
- services of a professional nature such as accounting, designing and legal services; and
- work in or around employees' homes.

The prohibition applies regardless of whether or not the services are paid for and regardless of whether or not the offender is currently subject to CSNSW custody or supervision – ie; periodic detainees and persons subject to community service orders may only be subject to CSNSW custody or supervision for a certain number of hours each week, however, employees must not use their services for private purposes at any time while their orders remain in force.

## **10. SANCTIONS FOR BREACH OF POLICY**

Remedial or disciplinary action will be taken against any employee for a breach of this policy.

## **11. REVIEWING A DECISION**

Employees who disagree with the proposed management of their declaration of contact with an offender should request a review by the manager who made the decision in the first instance. If resolution cannot be achieved, the employee may request a more senior manager/supervisor to review the decision.

## **12. REVIEW DATE**

**Review date:** August 2012

**Ownership:** Assistant Commissioner, Probity and Staff Development is assigned ownership to ensure the policy is maintained and updated.

**Contact:** Ethics Officer (02) 4824 2260 or (02) 8346 1769

## **11 ATTACHMENT**

**1** Contact with Offender Declaration

# CONFIDENTIAL



## Contact with Offender Declaration

An offender is anyone who is currently serving any sentence of imprisonment, periodic detention or who is under the supervision of Community Offender Services for any offence OR anyone who has ever served a custodial sentence of more than six months OR anyone who has ever been convicted of a sexual offence OR any other person who in the past ten years has served any sentence of imprisonment or periodic detention or has been under the supervision of Community Corrections for any offence in any State / Territory in Australia.

**You are required to disclose all contact with “offenders” as defined in the above paragraph.**

**This includes current and/or prior contact, even if you are no longer in contact with the person.**

Contact can include but is not limited to the following examples:

- Visiting someone in a correctional facility/complex, either personally or professionally.
- A friendship with someone you know to be an offender – ie; you speak on the telephone, exchange e-mails, through social media contact or spend social time together, even though it may happen only occasionally.
- You are a member of the same club, team, organisation, or similar association as someone you know to be an offender and you closely interact with them.
- You interact closely with someone you know to be an offender for a reason other than the purposes of your occupation.
- You have, or do some work for, a private business which has offenders as clients.
- You have written to or received correspondence from an inmate.
- You have received a telephone call from an inmate or have been listed on an inmate’s telephone account.
- You have deposited money into an inmate’s account.

**Employees and prospective employees of Corrective Services NSW are obliged to report all current and previous contact with known offenders, which includes personal or family relationships.**

There is no absolute prohibition on employees or prospective employees having contact with offenders, including interstate offenders, to whom they are related or with whom they are otherwise involved but it is important that such contact is disclosed so that risks may be managed and false perceptions corrected. Improper relationships of any kind will not be tolerated and disciplinary action may be taken against any employee or prospective employee who provides false and/or misleading information or who fails to disclose relevant information.

First Name/s: \_\_\_\_\_ Last Name: \_\_\_\_\_

Serial No, if known: \_\_\_\_\_ Date of Birth: \_\_\_\_ / \_\_\_\_ / \_\_\_\_\_

Full address: \_\_\_\_\_

State: \_\_\_\_\_ Postcode: \_\_\_\_\_

**Position:**  Correctional Officer  Overseer  Administration  
 Community Corrections  Offender Management and Programs

One of the two boxes below **MUST** be ticked:

I do not have any contact with an offender(s), including interstate offender(s), to declare

I declare contact with the offender or offenders as set out on page 2 attached:

### Declaration

1. I understand that the information provided in this Declaration will be treated as confidential and disclosed only where necessary for the purpose of managing risks arising from the contact. The information contained in this report is true and accurate to the best of my knowledge.
2. I understand that if at any time in the future these details change or I have contact with or become related to an offender, including an interstate offender, I am required to immediately complete a new Declaration and submit it to my manager/supervisor.
3. I am aware that action may be taken against me if I provide false and/or misleading information or if I fail to disclose relevant information.

**Signed:** \_\_\_\_\_ **Date:** \_\_\_\_\_



**Please provide the Offender details that you know. You are not authorised to search the Offender on the Offender Integrated Management System (OIMS) for the purpose of completing this form.**

**Details of Offender:**

Full Name: \_\_\_\_\_ Age: \_\_\_\_\_

Date of Birth, if known: \_\_\_\_\_ MIN, if known: \_\_\_\_\_

Address, if known: \_\_\_\_\_

Currently an inmate: Yes / No / Don't know NSW / Other State (please specify) \_\_\_\_\_

Correctional Centre, if known: \_\_\_\_\_

Currently under Community Corrections supervision: Yes / No / Don't know

Reporting to Community Corrections Office, if known: \_\_\_\_\_

Nature of relationship/contact (provide full details e.g relative (specify relationship), friend, professional contact, if you were the victim of crime, etc): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Frequency of contact: \_\_\_\_\_  
\_\_\_\_\_

Provide approximate date of last contact: \_\_\_\_\_  
\_\_\_\_\_

**Details of Offender:**

Full Name: \_\_\_\_\_ Age: \_\_\_\_\_

Date of Birth, if known: \_\_\_\_\_ MIN, if known: \_\_\_\_\_

Address, if known: \_\_\_\_\_

Currently an inmate: Yes / No / Don't know NSW / Other State (please specify) \_\_\_\_\_

Correctional Centre, if known: \_\_\_\_\_

Currently under Community Corrections supervision: Yes / No / Don't know

Reporting to Community Corrections Office, if known: \_\_\_\_\_

Nature of relationship/contact (provide full details e.g relative (specify relationship), friend, professional contact, if you were the victim of crime, etc): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Frequency of contact: \_\_\_\_\_  
\_\_\_\_\_

Provide approximate date of last contact: \_\_\_\_\_  
\_\_\_\_\_

**Please attach additional information if more Offender Details are required.**

**MANAGEMENT ACTION:**

Conflict of Interest arising: **Yes / No**

Details: \_\_\_\_\_  
\_\_\_\_\_

Potential risks identified: **Yes / No**

Details: \_\_\_\_\_  
\_\_\_\_\_

Action taken:

Details: \_\_\_\_\_  
\_\_\_\_\_

Referral to Senior Manager: **Yes / No / N/A**

Details: \_\_\_\_\_  
\_\_\_\_\_

Referral to the Roster Scheduling Unit: **Yes / No / N/A**

Details: \_\_\_\_\_  
\_\_\_\_\_

Monitoring required: **Yes / No / N/A**

Details: \_\_\_\_\_  
\_\_\_\_\_

Further action/information:

Details: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Name:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**Signed:** \_\_\_\_\_

**Review Date:** \_\_\_\_\_

**Role:** \_\_\_\_\_

**Line Manager / Monitoring Officer (if required):**

Name: \_\_\_\_\_ Role Title / Rank: \_\_\_\_\_

Work Location: \_\_\_\_\_ Date received: / /

Comment: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Employee:**

Copy of completed Declaration, including Management Action received on: / /

Name: \_\_\_\_\_

Signature: \_\_\_\_\_

- Scan and email as a PDF to [employee.declarations@justice.nsw.gov.au](mailto:employee.declarations@justice.nsw.gov.au)  
OR
- Faxed to Investigations Branch on (02) 8346 8111
- Email to [payroll@justice.nsw.gov.au](mailto:payroll@justice.nsw.gov.au) to place on employee's Personal File on TRIM

By (name) \_\_\_\_\_ Designation: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: / /