

Inmate Classification and Placement Corrective Services NSW

Escape-risk Classifications

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Escape-risk Classifications

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1 Overview

This policy supersedes all previous policy, Director (Classification) Memoranda/Instruction regarding the determination of Escape-risk classifications¹.

The policy and procedures within this document must be utilised in conjunction with the [OVERARCHING POLICY - Policy for Inmate Classification and Placement](#).

All staff must be familiar with the overarching policy prior to utilising this document.

The overarching policy and the instructions and procedures within this document apply to all staff involved in the inmate classification and placement processes within New South Wales (NSW) correctional centres.

Correctional centres in NSW manage inmates who have committed an escape offence, and/or been deemed an escape risk. Clause 14 of the [Crimes \(Administration of Sentences\) Regulation 2014 \(CAS Regulation\)](#) includes the following:

In accordance with clause 14 (2), a person commits an escape offence if, in NSW or elsewhere, the person engages in behaviour that, under the laws of the place where the behaviour occurs whether or not the person is prosecuted, constitutes:

- an offence of escaping from lawful custody, or
- an offence of attempting or conspiring to escape from lawful custody.

In accordance with clause 14 (3), an inmate's classification under clause 14 overrides the inmate's classification (male and female) under clause 12 or 13.

Any inmate who meets one or more of the above criterion must be classified in one of the following categories:

1.1.1 Category E1

In accordance with clause 14 (1) (a) – (b), Category E1 being the category of inmates who, in the opinion of the Commissioner, represent a special risk to security and should at all times be confined:

- In special facilities within a secure physical barrier that includes towers or electronic surveillance equipment, or
- By a secure physical barrier that includes towers, other highly secure perimeter structures or electronic surveillance equipment.

¹ This document has been updated to incorporate legal advice received from the Office of General Council (2019).

1.1.2 Category E2

In accordance with clause 14 (1), Category E2 being the category of inmates who, in the opinion of the Commissioner, should at all times be confined by a secure physical barrier.

See Placement Guide for placement options for Category E1 and Category E2 inmates.

The letter 'U' is used to signify an unsentenced inmate (male and female) who has not been sentenced. It is not a classification.

This Procedure must be carried out in conjunction with the relevant procedure/s i.e. *Initial Classification and Placement* or *Classification and Placement Reviews*. This applies to both sentenced and unsentenced inmates.

2 Related Documents

The policy and procedures within this document are to be implemented in conjunction with the relevant sections of the Custodial Operations Policy and Procedures (COPP) and other related policy and procedures, including:

- [Management of Public Correctional Centres Services Specifications](#)
- [Custodial Operations Policy and Procedures \(COPP\) - 13.6 Escapes](#)
- [Commissioner's Instruction - 07/2006 Inmate Escapes](#)
- [Inmate Classification and Placement - Initial Classification and Placement](#)
- [Inmate Classification and Placement - Reviews](#)
- [Inmate Classification and Placement - Change of Placements \(COP's\)](#)
- [Inmate Classification and Placement - Inter Jurisdictional Transfers between YSNSW and CSNSW](#)
- [Inmate Classification and Placement - SORC and Subcommittee Managed Inmates](#)

3 Procedures for Classification and Placement of Escape-risk Classifications

The following policy and procedures are for the classification and placement processes for inmates who have committed an escape offence, and/or been deemed an escape risk within NSW correctional centres.

An inmate can be progressed from an "E" classification in accordance with clause 14 (5) of the [CAS Regulation](#). For the policy and procedures in relation to inmates applying and progressing through the Escape Review Committee (ERC) see - [Inmate Classification and Placement - SORC and Subcommittee Managed Inmates](#).

Inmates who have an E2 classification applied must have the process for review of the E classification via the ERC explained to them by the CPT at each classification and placement assessment.

Care is to be taken with inmates with disabilities and/or Culturally and Linguistically Diverse (CALD) inmates to ensure that their rights for review of this classification and the

process is clearly understood. In the event of an inmate with a disability Statewide Disability Services (SDS) must be consulted prior to the process being finalised.

Determining if an inmate meets the criteria for E1 and E2 Category includes a number of factors, including:

3.1 Return to custody with previous custody as Escape-risk Classifications

Any inmate (male and female) who is sentenced or unsentenced and returns to custody on a breach of parole (BOP), or on newly applied charges after having been released from Corrective Services NSW (CSNSW) custody as an Escape-risk classification (E1 or E2 Category), must be classified under clause 14 of the Regulation.

3.2 Return to custody of inmate previously progressed from Escape-risk Classifications

Where an inmate has been discharged from custody as a minimum security inmate, who was reviewed through the ERC process during a previous episode in custody, if returning to custody they must, be classified under clause 12 of the [CAS Regulation](#) for male inmates, and clause 13 of the [CAS Regulation](#) for female inmates.

NB: providing they are not charged with a further escape offence.

3.2.1 Unsentedenced

An unsentenced inmate returning to custody who has previously been successful in having an E category removed by the Commissioner via the ERC, and providing they are not charged with a further escape offence, must be classified by the following:

- unsentenced male inmates in accordance with [clause 12](#), at an appropriate classification level i.e. AAU, A1U, A2U, BU, C1U; or
- unsentenced female inmates in accordance with [clause 13](#), at an appropriate classification level i.e. UCat5, UCat4, UCat3, UCat2.

Unsentenced male - Clause 12	Unsentenced female - Clause 13
AAU	UCat5
A1U	UCat4
A2U	UCat3
BU	UCat2
C1U	---

3.2.2 Sentenced

A sentenced inmate returning to custody who has previously been successful in having an E category removed by the Commissioner via the ERC, and providing they are not charged with a further escape offence, must be classified (at Initial) by the following:

- sentenced male inmates in accordance with [clause 12](#), at an appropriate security level I.e. C2, C1, B, A2, A1, AA, or
- sentenced female inmates in accordance with [clause 13](#), at an appropriate security level I.e. Cat2, Cat3, Cat4, Cat5.

Sentenced male - Clause 12	Sentenced female - Clause 13
AA	Cat5
A1	Cat4
A2	Cat3
B	Cat2
C1	---
C2	---

An inmate returning to custody on a BOP Order who has had an Escape-risk category removed by the Commissioner via the ERC during the current episode is to be classified under [12/13](#), as above.

For any inmate who has previously had an Escape-risk category removed by the Commissioner via the ERC, and if it is determined by the Manager/Deputy Manager, Classification and Placement (M/DMCP), after considering a recommendation of the Classification Placement Team (CPT), that regression in classification is required, the inmate must also be reclassified in accordance with [12/13](#), as above.

3.3 Escape occurred when under the age of 18 years

In accordance with [clause 14\(4\)](#) the Commissioner, or their delegate, may determine that an inmate not be classified under [clause 14](#) (Escape-risk classification) if the inmate was under the age of 18 years when the 'escape offence' was committed.

There are circumstances where the 'escape offence' (occurring when under the age of 18 years) may require determination under the general provisions of [clause 14](#).

The following policy provides guidelines to assist in the determination of an inmate who was under the age of 18 when the escape occurred (that is an offence of escaping from lawful custody, or an offence of attempting or conspiring to escape from lawful custody).

3.4 Determination of escape by date occurred (juvenile)

In the case of an inmate who committed an offence of escaping from lawful custody, or an offence of attempting or conspiring to escape from lawful custody, as a juvenile (under 18 and heard in Juvenile Court). Note the following applies irrespective if they were convicted:

3.4.1 *Escape occurred before 1st September 2001(juvenile)*

In the case of an inmate who was under the age of 18 and the escape occurred prior to 1st September 2001, they must be classified under clause [12/13](#), Escape-risk classifications must not be applied.

Note: At this time under the Prisons (General) Regulation 1995, clause 11 exempted juvenile escape inmates from holding an Escape-risk classification.

3.4.2 *Escape occurred on or after 1st September 2001(juvenile) - with a conviction*

In the case of an inmate who was under the age of 18 and the escape occurred (that is an offence of escaping from lawful custody, or an offence of attempting or conspiring to escape from lawful custody) on or after 1st September 2001, and they were convicted (in any court) they must be classified under [clause 14](#) (Escape-risk classification).

3.4.3 *Escape occurred on or after 1st September 2001 (juvenile) – no conviction*

In the case of an inmate who was under the age of 18 and the escape occurred (that is an offence of escaping from lawful custody, or an offence of attempting or conspiring to escape from lawful custody) on or after 1st September 2001, however were not convicted they must be classified under [clause 14](#) (Escape-risk classification) if the offence/s include one or more of the following:

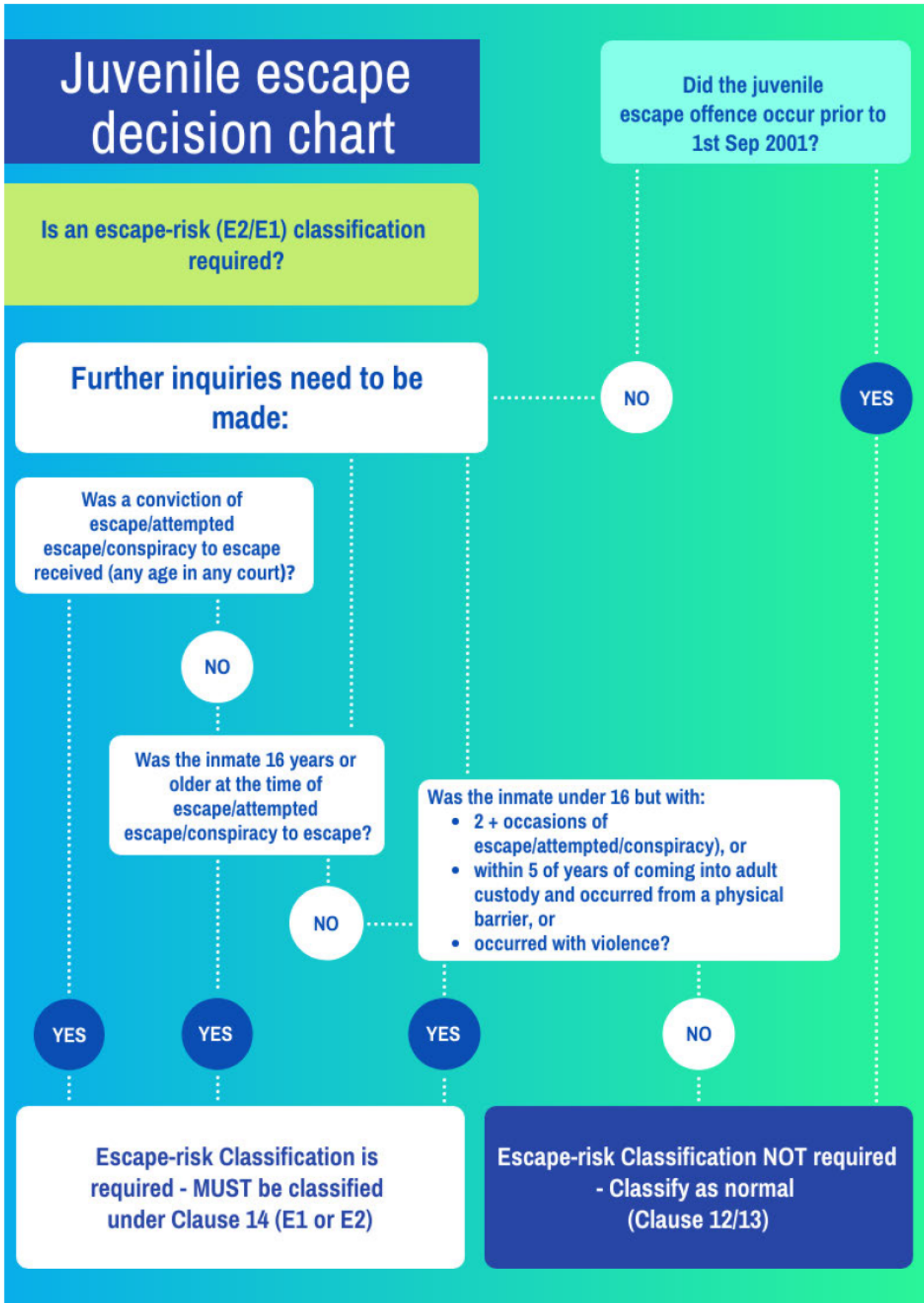
1. Occurred when the inmate was 16 years of age or above.
2. When the inmate was under 16 years of age but had a second or more such offence.
3. When the inmate was under 16 years of age but occurred within five years of the inmate coming in to adult custody and occurred from within a secure physical barrier.
4. When the inmate was under 16 years of age but was carried out, or was attempted to be carried out by violent means.

Where there is concern or ambiguity in using discretion in regards to an escape that occurred when the inmate was under the age 18 years, the matter should be referred (in writing) to the ADCP or DCP for determination of applying the Escape-risk classification.

3.4.4 *Youth Service (YS) NSW Detention Centre Transfer*

A detainee transferred from a YSNSW Detention Centre to CSNSW, if convicted of escape offence/s committed while the detainee was under the age of 18 years, may be classified as an Escape-classification under the general provisions noted under [clause 14](#).

3.4.5 Juvenile escape decision chart



3.5 Determination of escape by date occurred (adult)

As a result of a number of historical changes in legislation and policy, the following applies when assessing for Escape-risk classifications for offences occurring by the inmate when they were over the age of 18:

3.5.1 Escape occurred prior to 18 May 1990 (adult)

If an inmate committed an 'escape offence' before 18 May 1990, then the inmate is not subject to any restrictions on classification, and must be classified under [clause 12](#) for male inmates and [clause 13](#) for female inmates, and are subject to the regular classification system.

The determination of the date 18 May 1990 has been made in accordance with the Prisons (General) Regulation 1989 and the Crimes (Administration of Sentences) (Correctional Centre) Regulation 1995.

3.5.2 Escape occurred on or after 18 May 1990 and prior to 1 September 1995 (adult)

In accordance with clause 9A of the *Prisons (General) Regulation 1989*, if an inmate was convicted of an 'escape offence', that is an actual escape or an attempted escape, within or outside of New South Wales, on or after 18 May 1990 and prior to 1 September, 1995 the inmate must be classified in accordance with [clause 14](#) as either E1 or E2 Category. The inmate is able to apply through the ERC for a reduction in security rating to a minimum security classification in accordance with [clause 17](#).

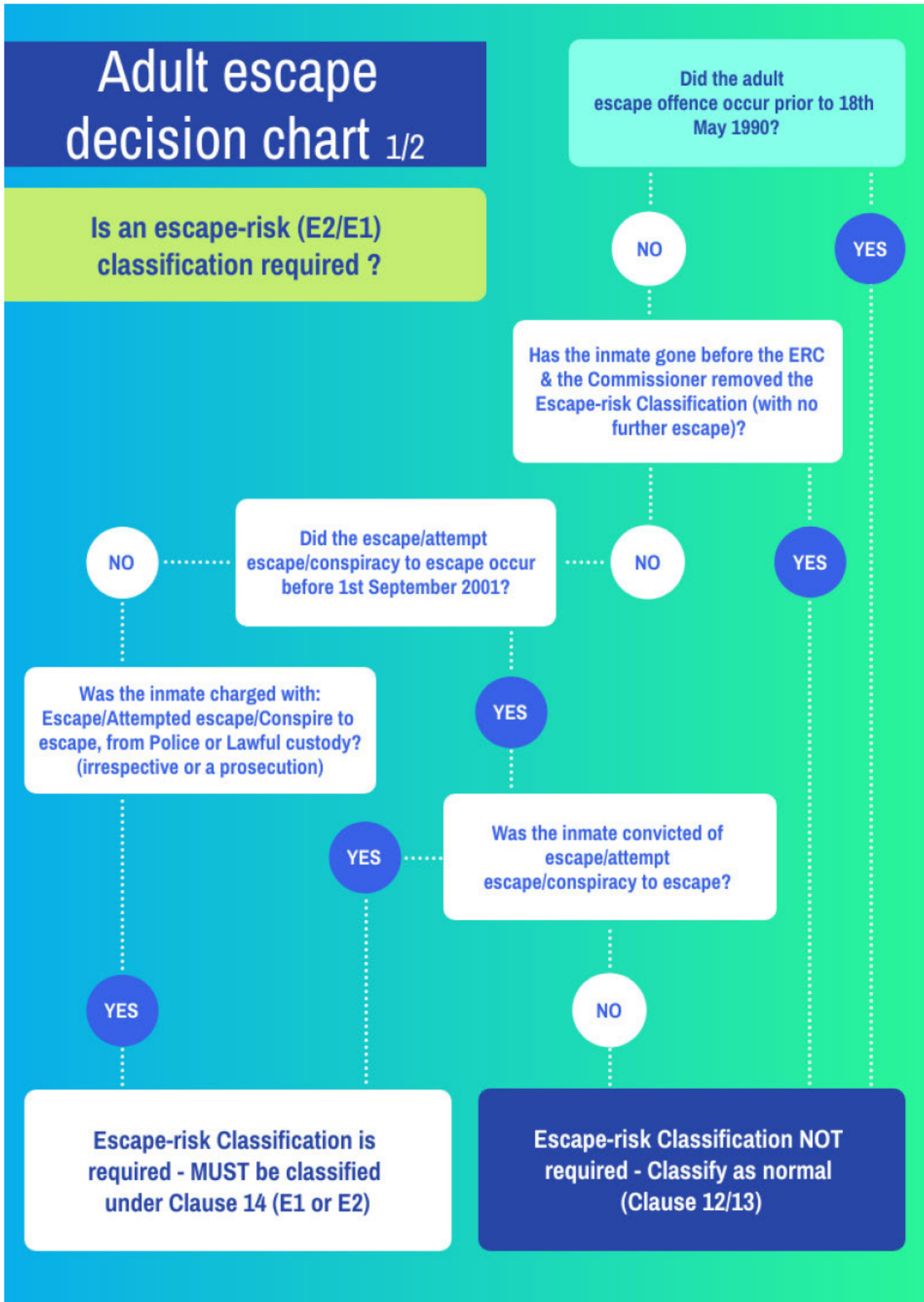
3.5.3 Escape occurred on or after 1 September 1995 and prior to 1 September 2001 (adult)

In accordance with clause 11 of the *Crimes (Administration of Sentences) Correctional Centre Routine) Regulation 1995*, if an inmate committed an 'escape offence', that is was convicted of escaping, an attempted escape or conspiring to escape; or has been found by a court to have committed such an offence; or has admitted to such an offence for the purpose of a Form 1 document used at a sentence proceeding, within or outside of New South Wales, on or after 1 September 1995 and prior to 1 September 2001, the inmate must be classified in accordance with *clause 14* as either E1 or E2 category. The inmate is able to apply through the ERC for a reduction in security rating to a minimum security classification in accordance with [clause 17](#).

3.5.4 Escape occurred on or after 1 September 2001 (adult)

In accordance with clause 14 of the [CAS Regulation](#) if an inmate committed an 'escape offence', that is, whether or not the inmate has been prosecuted, the person engages in behavior that constitutes an offence of escaping from custody; or an offence of attempting or conspiring to escape from custody, within or outside New South Wales, on or after 1 September 2001, then [clause 14](#) as either E1 or E2 Category. The inmate is able to apply through the ERC for a reduction in security rating to a minimum security classification in accordance with [clause 17](#).

3.5.5 Adult escape decision tree



Adult escape decision chart 2/2

Escape-risk (E2/E1) classification has been removed - does the inmate need to an escape-risk classification?

Refer the matter to the ADCP or DCP prior to proceeding

YES

Did the D/MCP remove the Escape-risk classification before the 2nd August 2010?

NO

YES

Do you have reason to believe the escape-risk classification has been assigned in error?

YES

Do you have concerns regarding: current escape ideation, or aspect of these matters (eg recency)?

NO

NO

Escape-risk Classification NOT required - Classify as normal (Clause 12/13)

3.6 Form 1 offences

Note for the purpose of this document an offence of escaping from lawful custody, or an offence of attempting or conspiring to escape from lawful custody that has been dealt with via Form 1 must be dealt with in the same manner as a conviction.

3.7 An inmate who has committed and been charged with an escape offence

An inmate who commits an escape offence during their current episode in custody must be classified under [clause 14 \(1\)](#) as either E1 or E2 for purposes of the classification and placement immediately after the offence.

3.8 Pending Police charges of escape, or attempt or conspire to escape lawful custody

An inmate who is already serving a sentence in custody, and is then charged by police with escape, or attempt escape, or conspire to escape from lawful custody, must be reclassified under [clause 14 \(1\) and \(2\)](#), pending the outcome of the court proceedings.

3.9 Police charges of escape, or attempt or conspire to escape lawful custody – results in no conviction

Where a conviction for an escape offence does not occur, the inmate must be referred to the Director/Assistant Director Inmate Classification and Placement (D/ADCP) for a classification determination under [clause 14](#), or [clause 12/13](#). This request for determination must be in writing, must utilise the [Escape classification status determination](#) form, and must be accompanied with the Police Facts of the incident.

3.10 Additional considerations

The following factors should also be considered when determining an Escape-risk Classification category, namely Category E1 or Category E2:

- the age of the inmate at the time of the escape offence and the age now;
- the circumstances of the offence;
- the time lapse between the escape offence and discharge of sentence requirements and current episode in custody;
- the performance of the inmate whilst in custody;
- the case plan of the inmate directed towards a law abiding community life;
- the classification of the inmate at discharge from episode/s in custody since ERC reduction, in recognition that an escape offence or a State Parole Authority (SPA) breach at any point in time is a serious matter;
- the location from which the escape offence was committed i.e. maximum, medium or minimum, correctional centre camp, court, police, community project, external leave;

- the Manager, SDS is to be contacted for advice before a decision is made to make determination on an inmate with escape who has an intellectual disability. The inmate's ability to understand consequences of his/her actions must be considered, along with all other documentation/circumstances.

3.10.1 Information received from NSW Police or other Agency

For the purpose of making a decision with respect to an inmate's classification in accordance with the clause 19 of the [CAS Regulation](#), consideration must be given to any advice received from the NSW Police Force or from any other public authority in any other State or Territory or of the Commonwealth which has been established for law enforcement, security or anti-terrorist purposes, in accordance with the [Privacy and Personal Information Protection Act 1998](#).

3.11 Considerations Guide

CONSIDERATION	OUTCOME, WHERE APPLICABLE	RESPONSIBILITY
1 Return to custody with previous custody as E.	Clause 14; E1 or E2	CPT D/MCP
2 Return to custody of inmate (sentenced and unsentenced) who previously received a reduction to minimum security from the Commissioner via the ERC:	Clause 12 (male classifications)/ 13 (female classifications) or 14; E1 or E2as below	CPT D/MCP
3 Not charged with further escape.	Clause 12/13	CPT D/MCP
4 Charged with further escape.	Clause 14; E1 or E2	CPT D/MCP
5 Escape occurred when under 18.	Clause 14; E1 or E2, or Clause 12 (male classifications)/ 13 (female classifications)	D/ADCP
6 Detainee transferred from YJNSW with escape when under 18.	Clause 14; E1 or E2	CPT D/MCP
7 Escape occurred prior to 18 May 1990.	Clause 12 (male classifications)/ 13 (female classifications)	CPT D/MCP
8 Escape occurred on, or after 18 May 1990 and prior to 1 September 2001.	Clause 14; E1 or E2, and can apply for reduction through the ERC	CPT D/MCP
9 Escape occurred on, or after 1 September 2001.	Clause 14; E1 or E2	CPT D/MCP
10 Committed and been charged with an escape offence during current custodial episode.	Clause 14; E1 or E2	CPT D/MCP
11 Has pending Police charges for an escape offence.	Clause 14; E1 or E2	CPT D/MCP
12 If above charges result in a conviction	Clause 14; E1 or E2	CPT D/MCP
13 If above charges do not result in a conviction	Refer to D/ADCP for determination with Police Facts,	D/MCP

CONSIDERATION		OUTCOME, WHERE APPLICABLE	RESPONSIBILITY
		via the Escape classification status determination	
14	Additional considerations: <ul style="list-style-type: none"> • Age • Circumstances • Time lapse since escape • Behaviour of inmate in custody • Case plan objectives • Classification since ERC reduction • Location escape occurred from i.e. max, med, min sec, camp, court, police, external leave • Disabilities • Information received from external agencies i.e. NSW Police and Australian Federal Police 	NA	CPT D/MCP ADCP OR DCP

4 Recording of Escape-risk classifications

4.1 OIMS – Institutional Escape/Recapture

Sentence Administration Corporate maintains the data entry on the “Escape/UAL” – Institutional Escape/Recapture screen (OIDESCAP) on the Offender Information Management System (OIMS). In the event of an inmate escape, the Senior/Classification and Placement Officer (S/CAPO) S/CAPO is to advise Sentence Administration Corporate via email at: [REDACTED] to enable the record be updated on the Escape/Recapture screen.

Sentence Administration staff must examine the warrants of inmates returning from or received from court and is to report details of any escape offences to the Sentence Administration Corporate for entry in the Escape/Recapture screen on the OIMS, and advise the S/CAPO in the relevant correctional centre.

Note refer to [Commissioner's Instruction - 07/2006 Inmate Escapes](#).

4.2 OIMS – Management program

4.2.1 Escape Review Committee (ERC)

An ERC Management Program must be entered in OIMS when an inmate is convicted of an offence of escaping from lawful custody, or an offence of attempting or conspiring to escape from lawful custody, and an Escape-risk classification is applied in accordance with [An inmate who has committed and been charged with an escape offence](#).

The S/CAPO must enter the following:

- 'Type' – ERC;
- 'Result' – Approved;
- 'Entry Comment' must include:
 - conviction type (offence);
 - date of offence;
 - Charge ID number;
 - Court of conviction;
 - date of conviction;
 - any other relevant information.

Note the 'Description' and 'Effective Date' will auto-populate the data.

The S/CAPO must then advise the D/MCP or SCAPO, who must then verify the management program.

The ERC Management Program will be closed by the ERC member as required when an inmate has had an Escape-risk classification removed in accordance with [Inmate Classification and Placement - SORC and Subcommittee Managed Inmates](#).

4.2.2 *Escape-risk Referral Determination (ERRD)*

An ERRD Management Program must be entered in OIMS when an Escape-risk matter has been referred to the ADCP or DCP for determination, utilising the [Escape classification status determination](#) form, in accordance with [Police charges of escape, or attempt or conspire to escape lawful custody – results in no conviction](#) and [Escape occurred when under the age of 18 years](#), or any other reason an escape-risk determination by the ADCP or DCP may be required.

Where the outcome is apply the Escape-risk Classification (clause 14)

The SCAPO must enter a ERC Management Program in accordance with [Escape Review Committee \(ERC\)](#).

Where the outcome is classify as normal (clause 12/13)

The S/CAPO must enter the following:

- 'Type' – ERRD;
- 'Result' – Approved;
- 'Entry Comment' – must include the details of the referral, this may include but not limited to:
 - date of offence;
 - Charge ID number;
 - Court details (location);
 - conviction of escaping from lawful custody, or an offence of attempting or conspiring to escape from lawful custody in another jurisdiction (must give date and court details);
 - escaping from lawful custody, or an offence of attempting or conspiring to escape from lawful custody charge dismissed (must give date and court details);
 - any other relevant information.

Note the 'Description' and 'Effective Date' will auto-populate the data.

On receipt of the determination as received in writing by the ADCP OR DCP the S/CAPO must enter:

- 'Result' – Complete and enter completion date;
- 'Result Comment' – must include:
 - classify as normal (clause 12/13);
 - Any other relevant information as received by the ADCP OR DCP in the determination.

The S/CAPO must then advise the D/MCP or SCAPO, who must then verify the management program.

Note this process must be followed irrespective of the determination outcome to ensure accurate and transparent records maintained.

4.2.3 *Escape Charge Pending (ECP)*

An ECP Management Program must be entered in OIMS when an inmate has pending charge/s for an offence of escaping from lawful custody, or an offence of attempting or conspiring to escape from lawful custody, and an Escape-risk classification is applied in accordance with [Pending Police charges of escape, or attempt or conspire to escape lawful custody](#).

The S/CAPO must enter the following:

- 'Type' – ECP;
- 'Result' – Approved;
- 'Entry Comment' – to be entered as soon as it is known the inmate has a pending escape charge, this must include:
 - Charge ID number;
 - Court details (location, if known);
 - date of alleged offence;
 - any other relevant information.

Note the 'Description' and 'Effective Date' will self-populate the data.

When the matter has been finalised in court (i.e. there is an outcome) the following must then occur:

Conviction

The S/CAPO must then:

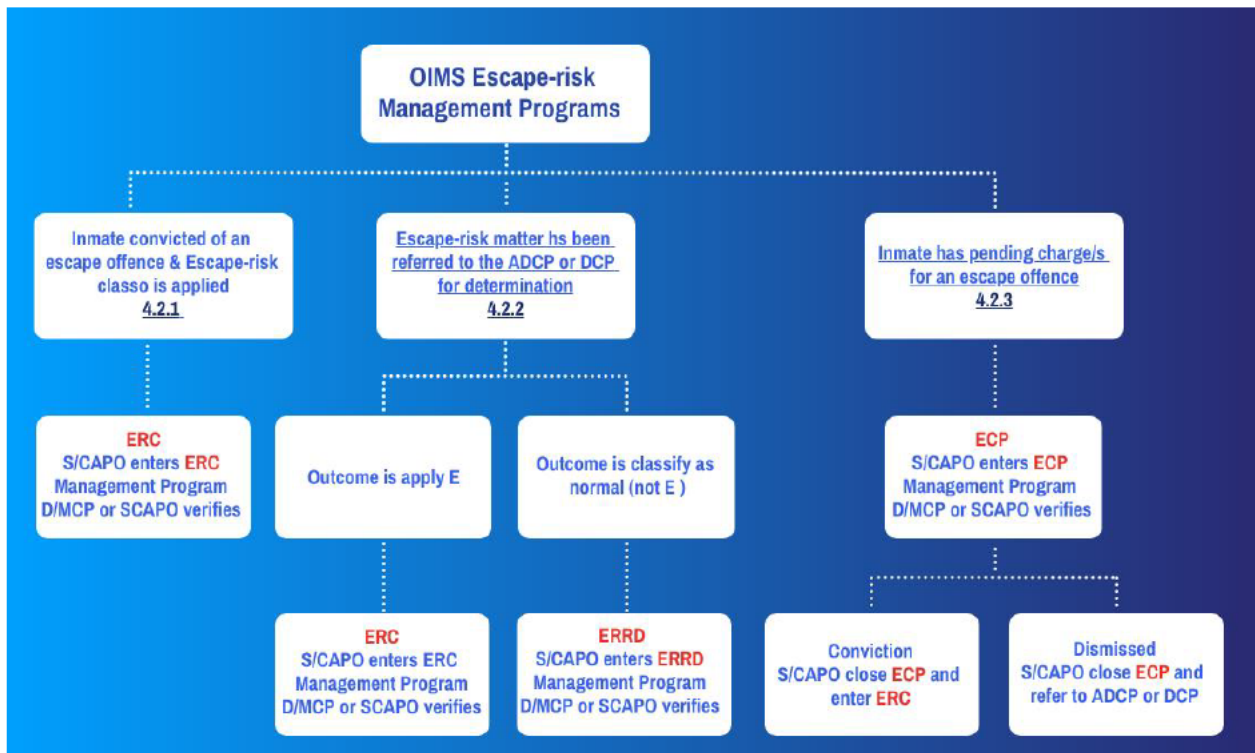
- close the ECP management program and enter a ERC Management Program in accordance with [Escape Review Committee \(ERC\)](#);
- advise the D/MCP or SCAPO, who must then verify the management program.

Dismissed

The S/CAPO must then:

- close the ECP management program and refer the matter to the ADCP OR DCP in accordance with [Police charges of escape, or attempt or conspire to escape lawful custody – results in no conviction](#);
- enter a ERRD management program, if determination requires;
- advise the D/MCP or SCAPO, who must then verify the management program.

4.2.4 Escape Management Program process tree



4.3 CMF

The recording of escape offence/s on the inmate's Case Management File (CMF) is the responsibility of the S/CAPO.

5 Special Escape (E) Review Committee

In 2005 the then Commissioner approved the establishment of a Special E Escape Review Committee to consider progression in classification for those inmates who are not serious offenders and who meet the following criteria. The escape:

- was not from behind a secure barrier of a correctional centre unless the escapee was being held in custody as a fine defaulter at the time of the escape;
- Was not within the last 8 years;
- incurred a custodial sentence of 6 months or less or a non-custodial sentence for the escape offence.

See [Inmate Classification and Placement - SORC and Subcommittee Managed Inmates](#) for further information pertaining to the Special E Review process.

6 Abbreviations

ACRONYM	DEFINITION
ADCP	Assistant Director Inmate Classification and Placement
CAS Regulation	Crimes (Administration of Sentences) Regulation 2014
CALD	Culturally and Linguistically Diverse
CAPO	Classification and Placement Officer
CMF	Case Management File
COPP	Custodial Operations Policy and Procedures
CPT	Classification and Placement Team
CSNSW	Corrective Services New South Wales
DCP	Director Inmate Classification and Placement
DMCP	Deputy Manager Classification and Placement
ERC	Escape Review Committee
YSNSW	Youth Services New South Wales
OIMS	Offender Information Management System
MCP	Manager Classification and Placement
NSW	New South Wales
SCAPO	Senior Classification and Placement Officer
SPA	State Parole Authority
SDS	State-wide Disability Service
SORC	Serious Offenders Review Council

7 Document history

VERSION	DATE	REASON FOR AMENDMENT
1.0	25 October 2019	In line with Case Management Review outcomes
2.0	2 February 2021	Full review conducted