

SECTION 2 – ADMISSIONS AND WARRANTS

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2.1 LODGEMENTS

2.1.1 Lodgement Forms

Upon arrest of an offender and requirement to be detained in custody, the (police) arresting officer will forward a completed Lodgement Form to the Placements section of the Court Escort Security Unit (based on Silverwater Complex). Fax number is (02) 8372 5452.

The Lodgement Form will provide details of the inmate's name, DOB, CNI and next court appearance or sentence details. The Lodgement Form is part of the Inmate Identification and Observation Form. *Sample Lodgement Form (with Inmate Identification and Observation Form)* – click [here](#).

Placements Unit of Corrective Services NSW will advise the officer of the most suitable location to deliver the offender, based on vacancies, and provide a Centre Reference Number (CRN) as confirmation.

In many cases, particularly country areas, the arresting officer will have made separate arrangements with the most convenient location and be well on their way to the location, or already have arrived. In the metropolitan areas, offenders are generally collect by Corrective Services Transport from specific police stations and taken to the allocated cells or correctional centre.

2.1.2 PROCESSING LODGEMENT FORMS

Following receipt of the offender at a court cell location, the Lodgement Form is to be forwarded to State Sentence Administration Unit at Windsor for processing (SSA@justice.nsw.gov.au).

The State Sentence Administration Unit is responsible for providing or creating a MIN and to make a detainer check for any outstanding detainers, such as a State Parole Authority revocation order or escapes.

The processing officer must perform the following checks with reference to OIMS to ensure the correct inmate is identified and MIN allocated. If it is not possible to determine the correct MIN of the offender, it may be necessary to contact the inmate's location to obtain further identification. Further advice may be obtained from Sentence Administration Corporate (SAC), in Head Office, which may obtain and verify details from COPS (The NSW Police Force database) or JusticeLink.

2.1.2.1 OIMS checks

- CNI check (if available).
- Surname and first name search.
- Date of birth search.
- Last movement (if applicable).
- Check Parole Revocations screen for any outstanding State Parole Authority revocation orders.
- Check Parole Decisions screen for last SPA decision.

2.1.2.2 COPS checks

- Confirm CNI and criminal history is consistent with OIMS.
- Obtain other identification details if unable to make clear match with OIMS.

2.1.2.3 JusticeLink Check

- Confirm CNI number and DOB is consistent with OIMS records.
- Check prior court appearances are consistent with current MIN details (eg last court movement on OIMS).

2.1.3 INMATES WITH MORE THAN ONE MIN

In some cases, offenders may have previously been allocated more than one MIN. There is no general rule as to which MIN should be reactivated however, if one MIN is under an active community booking, it should be used for the purposes of the re-admission.

If the offender is not currently under a live booking, the matter should be referred to the Team Leader for advice. In making a determination as to which MIN to reactivate, the following information is to be taken into account

- MIN under which most recent contact with Corrective Services NSW.
- Amount of information on each MIN.
- MIN with most serious offence.
- Time in custody under either MIN.

Further searches may be required to confirm the correct MIN so the matter should be set aside for follow up within the next 24 hours. Where a dual MIN has been confirmed, follow the instructions contained the topic relating to Merge MINs.

If a MIN subsequently varies to that advised above, the State Sentence Administration Unit at the respective correctional centre should be contacted. The Correctional Centre Unit should advise all relevant sections in the centre, such as Intake (Reception), Classification, Justice Health, etc. of the change.

2.1.4 COMPLETED LODGEMENT

Upon completion of the above checks, the lodgement form is to be faxed to the offender's location, advising the inmate's MIN and whether the inmate is cleared for release if he/she is granted bail, found not guilty, has charges dismissed or otherwise eligible for release.

The processing officer is to clearly stamp and sign the Lodgement Form as "Cleared for Release" or "Do Not Release", whichever is the case.

It is essential the stamped lodgement is returned as soon as possible after processing to avoid delays in releasing inmates.

The inmate is to be admitted to the OIMS system into the relevant location by the processing officer, taking note that the correct date and time of admission to CSNSW custody (as opposed to actual arrest) is recorded.

Court Escort Security staff must not release an inmate until the completed Lodgement Form has been received from the State Sentence Administration's Lodgements & Processing Unit at Windsor. Advice on the progress of the processing of a particular Lodgement Form may be obtained by contacting the Lodgements & Processing Unit's Team Leader on (02) 8688 0599.

2.1.5 REASON FOR BAIL DECISION BY POLICE OFFICER – BAIL ACT 2013 (FORMERLY FORM 7)

A police officer has the power make a bail determination in relation to a person who has been arrested. If bail is refused or granted but not met, the officer will issue a [Reason for Bail Decision by Police Officer Form](#) which is the authority for an accused to be held in custody until the court appearance.

Details of the Reason for Bail Decision by Police Officer form are not entered into OIMS, although the imprisonment status should reflect their status as "Police Bail Refused/Not Met" (PBRNM).

After the accused appears at court in relation to the Reason for Bail Decision by Police Officer, the result of all charges upon which he/she appeared are to be accounted for before the accused can be released.

2.2 PROCESSING INMATE IDENTIFICATION AND OBSERVATION FORMS UPON ADMISSION TO A CORRECTIONAL CENTRE

Upon admission of an inmate to a correctional centre, State Sentence Administration Unit staff at the receiving centre are to ensure that an Inmate Identification and Observation Form (IIO) is completed and kept on the warrant file.

State Sentence Administration Unit staff are required to enter the following details from the form to the appropriate OIMS screen.

- Name
- Aliases and other identification numbers (eg CNI)
- MIN
- Date of Birth
- Address
- Place of Birth
- Next of Kin and Emergency Contact Person
- Details of Aboriginality, Citizenship, Language, Religion, marital Status and Smoking Status
- Physical Identifiers and height, weight etc

2.2.1 OTHER CURRENT MATTERS

The IIO has provision for inmates to indicate if they have other current matters. If the inmate indicates other matters but there is no warrant or appearance order on file,

State Sentence Administration Unit staff at the centre where the inmate is received are to obtain or investigate the details through JusticeLink and request an order from the court if necessary.

- Check Justice Link to verify details and obtain the Justice Link reference
- Contact applicable court to seek an appearance warrant/order.
- If inmate is not required, enter an appropriate case note and place notation on the IIO where the inmate has indicated he/she has other matters.
- When issued, ensure a copy of the appearance order/warrant is attached to the left hand side of the inmate's warrant file.
- Ensure that the future court appearance has been entered and verified in OIMS.
- Provide appropriate advice to Inmate Classification staff

2.3 EDRMS/TRIM WARRANT FILE CREATION

Provision exists in EDRMS/TRIM system to create an electronic version of the warrant file. OIMS and TRIM have been integrated by the e-Offender project, this allows for documents to be viewed and saved through OIMS. For further information contact your local [State Sentence Administration unit](#).

2.4 OIMS DATA ENTRY

Sentence Administration staff are responsible for updating the screens outlined below at the time of processing the Lodgement Form.

- Assign MIN screen (if applicable) – accessed from Offender Search screen.
- Admission Screen.
- Imprisonment Status.
- Appearance Order screen (if remand warrant issued).
- Sentence Warrants screen (if sentence or SPA warrant issued).

Detailed Data Entry Instructions – click [here](#).

Further data entry (detainer details, personal information, etc) is required upon receipt of the offender at a correctional centre and is dealt with elsewhere in this manual.

2.5 OFFENDERS SUBJECT TO REVOCATION ORDERS BY STATE PAROLE AUTHORITY

If the State Parole Authority has issued a revocation order following a breach of a Parole, Home Detention or Periodic Detention order, the offender will have been placed in the “BOP” Caseload on OIMS. The warrant will have been forwarded to the NSW Police for execution.

Processing officers should check that the inmate’s location is in possession of the revocation order and indicate the inmate is not eligible for release due to the existence of the order.

If the location does not have the order, the arresting police should be contacted. A backup copy may be obtained from the SPA EDRMS file as an interim measure. It is still essential for the police to forward the revocation order and remove it from their records to avoid it being executed again (erroneously).

The Parole Revocation Screen details should be completed to advise SPA so it may commence review proceedings as per its legislative obligations.

The warrant details should be entered in the Sentence Warrants screen in OIMS and then verified.

2.6 OFFENDERS REMAINING IN COURT CELL LOCATIONS

If an offender remains at a court cell location after their initial or any other court appearance, Lodgements Section of Sentence Administration at Windsor is responsible for obtaining the court result and related warrants and updating the results in OIMS. The source documents are to be kept aside and forwarded by email to the Sentence Admin Unit at the correctional centre where the inmate is placed for filing on the warrant file.

2.7 WARRANTS AND ORDERS

2.7.1 GENERAL

From Corrective Services’ point of view, a warrant is an order made by a court authorising a law enforcement officer to apprehend and/or detain a person for a period of time and/or to convey the person to a court, correctional centre or other place specified in the warrant.

The warrant will outline the order of the court and will detail the reason for a person’s detention and the length of it.

It forms the basis for an offender’s imprisonment and without an appropriate warrant, the inmate may be considered to be unlawfully in custody.

FOR EVERY PERSON PLACED INTO THE CUSTODY OF CORRECTIVE SERVICES, A COURT OR OTHER AUTHORITY MUST HAVE ISSUED A WARRANT AUTHORISING THAT PERSON'S DETENTION.

Other types of warrants issued by a court include those that authorise a search of specified premises (search warrant) or authorising the seizure of specified goods. Corrective Services has little or no interest in these types of warrants.

2.7.2 OTHER TYPES OF ORDERS

Courts may also issue orders upon Corrective Services which may not necessarily authorise it to detain an offender but is obliged to comply with its directions.

The most common example is an order under [Section 77 of the Crimes \(Administration of Sentences\) Act 1999](#) which simply orders Corrective Services to produce an inmate before it in relation to any legal proceedings and return him/her to custody after completion. ***This order is insufficient authority (on its own) to detain an offender.***

2.7.3 ISSUING AUTHORITIES

For Corrective Services to hold a person in custody it must first have a lawful order to do so.

This order is usually in the form of a detention warrant issued by a court of law. Most warrants come from a NSW Court (Local, District or Supreme) if convicted under either State or Federal law.

Warrants may also be issued by:-

- State Parole Authority (previously known as the Parole Board or the Offenders Review Board).
- Children's Court of NSW (require a subsequent transfer order under Children Detention Centres Act in some cases).
- Department of Immigration and Cultural Affairs (DIAC).
- Federal Court.
- Family Court.
- Supreme Court of Norfolk Island.
- Interstate courts (*Pursuant to the provisions of the Interstate Transfer of Prisoners Act inmates sentenced in other States and Territories within Australia can serve their respective sentences in NSW*).
- International courts (*Under the International Transfer of Prisoners Act inmates convicted and sentenced overseas can apply to serve their sentences in NSW*).

2.8 TYPES OF WARRANTS

Warrants can be divided into 3 main categories –

- Remand Warrants
- Sentence Warrants
- Other Orders to Hold

2.8.1 REMAND WARRANTS

Remand warrants are issued in relation to those offenders who have been arrested and placed before the courts, adjourned to a future date and where BAIL has either been REFUSED, or GRANTED but NOT MET.

Their guilt has not yet been determined or they may have been found guilty but not yet sentenced by the court.

Remand warrants are issued by the Court, ordering Corrective Services to hold the accused in custody until the date specified pending the determination of the matter(s) before it. If bail is refused the accused is detained until the next court date or the court to which he/she is appearing grants bail or bail is granted by a superior court.

If bail is granted and is not entered (that is, the offender has not been able to meet all the set conditions) a remand warrant is issued. The accused person may enter bail any time during the remand period as long as he or she can meet ALL conditions of the bail undertaking.

Inmates who are remanded in custody either bail refused or bail granted – not met are required to be brought back before the Court on the due date. Details are recorded in OIMS by Sentence Administration staff and identified by generating regular reports.

Corrective Services has a legal obligation to ensure that ALL inmates are detained in custody as per the court's order and returned to court on the specified day or if being released to bail to be released as soon as possible.

2.8.1.1 Points on a Remand Warrant

On the remand warrant there are certain points that **MUST (1-5)** be on the warrant and some that **SHOULD (6-11)** appear including:

1. **Must** be addressed to Corrective Services in some format.
2. **Must** direct Corrective Services to detain the accused/inmate.
3. **Must** have his/her name; date of birth (and generally CNI number).
4. **Must** have a court and date of issue as well as being signed by an authorised officer (this is normally the Registrar or some other senior clerk in the Court House/Registry).
5. **Must** direct that the accused be brought back to a court at a future time; date and place specified on the warrant – otherwise may direct place and date "to be fixed" (i.e. still be "live" warrant).

6. Should have a reference number(s) (either a file number(s) or H number(s)).
7. Should include the charge(s) and number of offences.
8. Should advise whether bail has been granted or refused – if granted must also include conditions of the bail.
9. Should include details as to the Magistrate and police involved in the case.
*Most JusticeLink issued warrants no longer have this information but it can be obtained by accessing JusticeLink.
10. It may include recommendations made by the Court.
11. It may advise that the matter when returning to Court that it will be dealt with via the Audio Video Link (AVL).

Upon the receipt of this warrant it is necessary to first check that the details are correct. That is, it is a lawful order to detain the accused person in custody by ensuring points 1 to 5 have been included on the warrant.

Absence of points 1-5 may render the warrant ineffectual and will require amendment by the court before the inmate may be lawfully detained in Corrective Services custody.

Absence of points 6-11 may require further follow-up with the court but does not mean the inmate is unlawfully detained.

Once it has been determined that the warrant is correct it MUST be entered on the OIMS data base. Data entry instructions are available from the [OIMS User Guide](#).

M4L

REMAND WARRANT



Local Court of NSW
Liverpool
20[redacted]9

To	<p>The Superintendent of the appropriate Juvenile Correctional Centre, Juvenile Detention Centre, Officers of the Department of Juvenile Justice.</p> <p>The General Manager, Metropolitan Remand & Reception Centre, all other General Managers of Correctional Centres, to all Police Officers and to all other escorts for the purposes of execution of this order</p> <p>This is your warrant to transport and detain [redacted] in custody and return that person to the court when required.</p>
Order(s)	<p>Transport [redacted]</p> <p>DOB 1 [redacted] 7</p> <p>CNI number 7 [redacted] 9</p> <p>MIN</p> <p>to the appropriate Correctional Centre, Juvenile Correctional Centre or Juvenile Detention Centre and detain [redacted] and bring that person to the Court.</p> <p>This matter is listed for Mention (Police) on 16/12/2009 at 10:00 AM, Local Court - Crime, Liverpool</p>
Reason	<p>To appear on following charges: 2009/00239519-001 Actual offence - Cultivate prohibited plant >= commercial quantity-SI</p>
Additional Information	<p>9* 11 - Matters to be heard by AVL are often stamped or handwritten here.</p>
Signed	<p>[redacted signature]</p>
Date	<p>4 November 2009</p>
Bail Determination	<p>Refused</p>

10 - Recommendations of court are often included in a hand written notation

LS0027062008 DATA ENTER [redacted]

Entered By.....

Date.....

Verified By.....

Diaried By.....

Sample Remand Warrant

2.8.2 SENTENCE WARRANTS

2.8.2.1 Jurisdictions

If an inmate is sentenced to a term of full time imprisonment for an offence against NSW law, a warrant (called a *Warrant of Commitment*) is issued by the court pursuant to [Section 62 of the Crimes \(Sentencing Procedure\) Act 1999](#).

Warrants for sentences imposed under Commonwealth Law are issued in a similar format.

If an offender is subject to revocation order issued by the State Parole Authority, a warrant under [Section 181 of the Crimes \(Administration of Sentences\) Act 1999](#) is issued.

Offenders subject to revocation of parole orders made in relation to commonwealth offences are dealt with by a court following arrest and subsequent remand. Refer to [Crimes Act 1914 \(Commonwealth\)](#). A sentence warrant is not issued until after the court proceedings have been finalised.

2.8.2.2 Effect of Warrant

The sentence warrant is similar to a remand warrant except that instead of having details as to when the accused person is required to reappear at court it gives details of the term(s) of imprisonment that was imposed by the court. It authorises Corrective Services NSW to detain the offender for the term specified in the warrant.

A sentence warrant (*Warrant of Commitment*) has certain points that **MUST** (1-6) be on it as well as some points that SHOULD (7-10) be on it including:-


1. **Must** be addressed to Corrective Services in some format.
2. **Must** direct Corrective Services to detain the accused/inmate.
3. **Must** have his/her name; date of birth and CNI number.
4. **Must** have a reference number, court and date of issue as well as being signed by an authorised person.
5. **Must** give a commencement date of each sentence and non parole period if applicable.
6. **Must** give the length of the sentence and its expiry date (which should be a future date – i.e. still “live”).
7. It should show the offence including number of offences if there are multiple offences.
8. It may indicate the earliest date the inmate is eligible for release. Not a mandatory field on JusticeLink warrants.
9. It may indicate under what legislation the inmate was convicted under (this is to confirm whether it is a State or Federal matter) Can be confirmed from JusticeLink using reference number in (4) above.
10. If a State matter should indicate that a compensation levy is payable in respect of this warrant (*all NSW sentences incur a VSL irrespective of the date of offence. Absence of a notation does not void obligation of*

offender to pay VSL, subject to confirmation that offence is not a breach of bond, CSO etc).

11. It may provide other orders, recommendations or comments.

SENTENCE WARRANT

Local Court of NSW
at Penrith
20 [redacted] 1 4

To	The General Manager, [redacted] 1 This is your warrant to imprison [redacted]		
Order(s)	Transport	[redacted] 3	
	DOB	[redacted] 3	
	CNI	[redacted] 1	
	MIN	[redacted]	
	to a Correctional Centre and imprison her for: 2		
Proceeding No.	20 [redacted]	H Number - Sequence Number	Offence:
		[redacted]	7 Actual offence - Shoplifting value <=\$2000-T2 9
Term of Sentence:	1 month	Commence:	Expire:
		20 October 2009 5	19 November 2009 6
Non Parole Period:		Commence:	Expire:
Recommendations			
Reason	On 21 October 2009 the Court sentenced for [redacted] for the offence(s) described above.		
Signed	[redacted signature] 4 Authorised Officer		
Date	21 October 2009 4		
	A Victim's Compensation Levy applies to each proceeding. 10		

AF0027102008

DATA EN [redacted] Page 1 of 1
Entered By [redacted]
Date..... [redacted]
Verified By [redacted]
Diaried By..... [redacted]

Sentence Warrant - Fixed Term

SENTENCE WARRANT

District Court of NSW
at Sydney Downing Centre
20 [REDACTED] 0

To	The General Manager. [REDACTED] 1		
	This is your warrant to imprison [REDACTED]		
Order(s)	Transport [REDACTED]		
	DOB [REDACTED] 9 3		
	CNI [REDACTED]		
	MIN 0		
	to a Correctional Centre and imprison her for: 2		
	Proceeding No.	H Number - Sequence Number	Offence:
	20 [REDACTED]	[REDACTED]	Supply prohibited drugs on an ongoing basis-SI 7
	Term of Sentence: 4 years 6	Commence: 22 May 2008 5	Expire: 21 May 2012 6 ✓
	Non Parole Period: 2 years 6	Commence: 22 May 2008 5	Expire: 21 May 2010 6 ✓
Other matters taken into account: Crimes (Sentencing Procedure) Act 1999, section 32	2. [REDACTED] - Possess prohibited drug [REDACTED] - Unlawfully obtained goods (personal custody)		
Recommendations			
Reason	On 30 October 2009 the Court sentenced for [REDACTED] for the offence(s) described above.		

Signed	[REDACTED] 4 Prescribed Officer
Date	30 October 2009 4
	A Victim's Compensation Levy applies to each proceeding. 10



Sentence Warrant - with NPP

Upon the receipt of these warrants it is necessary to check that the details are correct. That is, it is a lawful order to detain the accused person in custody. To do this it is necessary to ensure that points 1-6 have been included on the warrant. The details MUST be entered on the OIMS data base. Data entry instructions are available from the [OIMS User Guide](#).

2.8.3 OTHER ORDERS TO HOLD

Corrective Services may be required to detain persons in custody without an order from a court. Various agencies and officers may make decisions that authorise Corrective Services to hold for a certain amount of time. The most common are outlined below.

2.8.3.1 Service and Execution of Process Act Orders (Extradition)

The [Service and Execution of Process Act 1992 \(Commonwealth\)](#) allows for the movement in custody of a person wanted in one state to another. It is commonly known as an extradition order.

Following the person's arrest and court appearance, the court may issue a warrant, authorising a police officer from another state (known as the custodian) to escort the accused to another state.

So that appropriate travel arrangement may be made, the custodian may require a person in charge of a prison (including court cells) to hold the accused as reasonably required by the custodian.

There is no formal order required in relation to this provision, however, a written request must be provided from the custodian to officers of Corrective Services, together with a copy of the order to the transporting officer. The request must outline:-

- Offender's name
- Offender's date of birth
- Reason for request
- Duration of request
- Date of request
- Name and signature of custodian
- Contact details of custodian
- Other relevant information

The provisions of this Act also allow Corrective Services to detain an offender who is in NSW in relation to an order made under this Act, such as to give evidence in proceedings.

2.8.3.2 [Bail Act 2013](#)

2.8.3.2.1 *Reason for Bail Decision by Police Officer forms*([Bail Act 2013](#))

Following an accused's arrest and their appearance before a court, a police officer is entitled to grant (or refuse) bail. If bail is refused, or granted but cannot be met, a Reason for Bail Decision by Police Officer Form is prepared by the police officer). It outlines the bail decision and the reasons for it as well as the offences and the date and court the accused is next to appear at court.

The accused is deemed to be a "person in custody" under [Section 250 of the Crimes \(Administration of Sentences\) Act 1999](#) and can be held in Corrective Services custody on the basis of that Reason for Bail Decision by Police Officer.

Upon placement into custody, Corrective Services must arrange the accused's appearance before the relevant court.

New South Wales Police Force
BAIL ACT 2013

REASON FOR BAIL DECISION BY POLICE OFFICER

Charge Ref Num : ██████████
 Name of accused : ████████████████████
 Address of accused : ██████████
 Court at which
 the accused person is
 required to appear : LISMORE Local Court
 Court Date and Time : 20th May, 2014 2:00 PM

<u>Seq. No.</u>	<u>Offence(s)</u>	<u>Act and Section</u>
1	Warrant ██████████ executed for charge ██████████ Not Before Court	

BAIL DECISION

BAIL UNDETERMINED

REASONS FOR DECISION

The accused has been charged with an outstanding warrant to appear before the court.

UNACCEPTABLE RISK/S IDENTIFIED

There is an unacceptable risk that the accused person, if released from custody, will:

Fail to appear at any proceedings for the offence.

Commit a serious offence.

Endanger the safety of victims, individuals or the community.

Interfere with witnesses or evidence.

The accused person has been arrested under a warrant to bring them before a court for sentencing and there is no exceptional circumstances that justify the grant of bail.

Dated this 20th day of May, 2014 at LISMORE police station.

██████████
 SENCON ██████████ LISMORE

Example – Reason for Bail Decision by Police Officer - Bail Act 2013

2.8.3.2.2 [Section 77 of the Bail Act 2013](#)

If a person is on bail but is suspected of breaching those conditions, a police officer may arrest the person and place them before a court.

Such offenders are considered to be a "person in custody" and may be detained in Corrective Services custody pending the court appearance.

An order may be in the format below and is sufficient authority to accept and detain the offender in our custody. They are to be detained until brought before the court on the date specified in the order.


If the court makes no further orders in relation to the matters, he/she will be eligible for release.

DETENTION APPLICATION (RECORD OF SERVICE COPY)		[REDACTED] [REDACTED] List No. _____
Listed before NEWCASTLE LOCAL Court on Friday 9th May, 2014 at 9:30 am		
DEFENDANT DETAILS		
[REDACTED] [REDACTED] [REDACTED] [REDACTED]	CNI Number : [REDACTED] Licence details : Sex : Female	
PROSECUTOR (NSW POLICE) DETAILS		
OIC (Prosecutor) : SENCON [REDACTED] Created by : SGT [REDACTED] Accepted by : SENCON [REDACTED] Apprehended : 4:00 pm on 08/05/2014 Charging station : Newcastle Apprehended by : SENCON [REDACTED] n		
DETAILS OF OFFENCE/S		
2	Bail Act 2013, Section 77(1)(e) Detention application - arrest ([REDACTED]) on 08/05/2014 at [REDACTED] did fail to comply with/was about to fail to comply with a bail acknowledgment/bail condition.	Law Part Code 82095
AUTHORITY		
This form authorises the accused to be detained and held in custody. This authorisation includes the transport to the court at the specified time and date as listed in this Detention Application.		
SERVICE DETAILS		
I have served on ACCUSED/DEFENDANT a copy of this Notice IN PERSON at 4:31 pm on 08/05/2014 at Bts Operational Sup Sys-Pre06/04/09 POLICE STATION SENCON [REDACTED] 6:04/09		
<small>Printed at 4:33 pm on 08/05/2014</small>		

Example – Detention Application (Breach Bail) Order – Section 77 Bail Act 2013

2.8.3.3 Immigration Orders to Hold

Officers from the Department of Immigration and Citizenship are empowered under the [Migration Act 1958 \(Commonwealth\)](#) to order the detention in custody of a person they believe to be an unlawful non-citizen. An order will be issued under the Migration Act 1958, signed only by an Immigration Officer. It authorises the detention of the subject person until other arrangements are made to transfer the person to an Immigration Centre or remove from Australia.


Australian Government
Department of Immigration and Citizenship

REQUEST FOR NON-OFFICER TO HOLD IN IMMIGRATION DETENTION
(Only to be provided to persons who are not officers for the purposes of the Migration Act 1958)

TO..... Parklea Correctional Centre
..... Records Section
..... Fax: 9826 5857

I, Darryn Alderson, am an officer for the purposes of the Migration Act 1958.

..... MIN: is liable to be held in immigration detention
Under the Act, as:

He/she is known or is reasonably suspected to be:

An unlawful non-citizen; or

A non-citizen whose visa is liable for cancellation; or

He/she is known or is reasonably suspected to be:

A deportee

Under section 5 of the Act, a person is in immigration detention if being held by or on behalf of an officer at a place specified in paragraph (b) of that definition, ("a place of immigration detention")

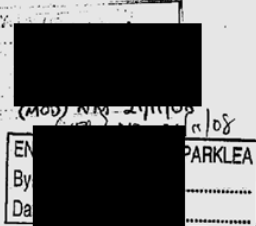
As an officer for the purposes of the Act, I hereby request you to hold him/her on my behalf in/at **Parklea State Correctional Facility**, a place of immigration detention

PLEASE UPDATE YOUR ALERTS IMMEDIATELY

If this person is either bailed, his/her case is dismissed or he/she is to be released from Corrective Services and/or Court, please contact us on 8666 5280 or 8666 5130 (or 1800 558 414 if after hours) IMMEDIATELY so we can arrange collection. Thank you.

Dated this 16th Day of October 2008

.....
(Signature)



people our business
26 Lee Street SYDNEY NSW 2000
GPO Box 9984 SYDNEY NSW 2001 • Telephone 131 881 • Facsimile (02) 8666 5955 • Website: www.immi.gov.au

Example - Request for Non-officer to Hold in Immigration Detention

2.8.3.4 Extradition Act 1988 (Commonwealth)

The Extradition Act 1988 (Commonwealth) provides for offenders wanted for criminal proceedings in another country with which Australia has an extradition arrangement, to be ordered to be taken to the other country.

Under [Section 15](#) of the Act, the person may be committed to a correctional centre while the case is pending. If the person is found to be an extraditable person, he/she may be further committed under [Section 18](#) until a surrender warrant is issued under [Section 23](#).

A surrender warrant under Section 23 authorises the release of the person into the custody police officer specified in the order for further release into the custody of an escorting officer from the other country.

Example – [Extradition Act Section 18 Order](#)

Example – [Surrender Warrant \(Section 23\)](#)

2.8.3.5 Other Orders to Hold

If an officer receives any other type of order not included in this chapter, immediate referral should be made to the relevant Sentence Administration Regional Manager or Cluster Manager for further advice.

2.8.4 Court Order Notices

It is quite common for a court to issue a Court Order Notice which is a written extract of the court's order. It is used for general distribution to all parties of the proceedings providing information about the outcome. They look similar to warrants but serve a different purpose and should not be used as a detainer.

They can be used to confirm the result of non-custodial orders for reconciliation purposes and a copy placed on file.

In some cases, the Court Order Notice may provide further information which may not have appeared on the warrant. As the receiving point for the information from the court, it is important for Sentence Admin staff to review the whole of the Court Order Notice for information requiring further action. For example, the Notice may indicate that

- a report is required, such as Sentencing Assessment Report (SAR),
- a placement order or recommendation, or
- the person suffers certain medical conditions etc which must be brought to the attention of the relevant units of CSNSW
- etc

In such cases, the information should be relayed to the appropriate areas for appropriate action and a note made on the Notice as to who it was forwarded etc and noted in the Incident Log for future reference.

2.9 INMATE WARRANT FILES

Each section of Corrective Services maintains a range of files relating to its area of responsibility. Sentence Administration is responsible for maintaining a file referred to as the Inmate Warrant File, for each episode of imprisonment for individual

inmates. It contains the source documents relating to the detention of the inmate including those documents issued externally such as warrants and other court orders etc, and internally issued documents such as movement orders and inmate applications.

Since it contains the orders for which the inmate is detained, it is an accountable file which must be accessible at all times for reference. It accompanies the inmate when transferred to other centres so that the reasons for the inmate's detention can be verified at any stage.

2.9.1 CREATION OF WARRANT FILE

A "hard" Warrant File is to be created for all inmates received into Corrective Services custody. It is to contain all warrants and documents relating to the imprisonment of the person. Documents relating to the subjective matters of inmates are saved on the Case File (the Case File contains documents such as officer reports, classification documents etc and is maintained by Classification staff at each correctional centre).

The Warrant File is divided into 2 sections, with all sentence warrants (including expired ones), current remand warrants and other orders (e.g. [Section 77](#) Orders) etc retained on the left hand side. All other documents are to be moved to the right hand side upon expiry.

The "live" side is to contain a current Conviction and Sentences printout from OIMS placed on top of the other documents.

No documents are to be moved to the "dead" side until after the order has expired.

Electronic warrant files will replace the hard copy document from approximately 2014 onwards with the implementation of the E-Offender project which will integrate OIMS, TRIM and Justice Link.

2.9.1.1 Documents Stored on Warrant File

The following is a list of documents to be kept on the "live" side of the warrant. Documents are to be filled in this order.

- Inmate Identification and Observation Form (also known as Personal Description Form (PDF))
- Lodgement Form
- All Sentence Warrants (Active & Inactive)
- State Parole Authority (SPA) Revocation Orders (Active & Inactive)
- Section 50 (court based) Parole Orders (Active & Inactive)
- Appeal Documents (file with corresponding sentence warrant/s)
- Conviction, Sentencing and Appeal Report (Current, remove any out-dated reports from file)
- Immigration / Extradition Orders
- Active Remand Warrants

- Active Section 77 Orders
- Active Section 26 Orders (SPA Appearance Order)
- Active Section 25 Orders (Police Interviews)
- SPA Parole orders
- SPA Rescission Orders

Once the following Orders become inactive, they are to be removed from the “live” side of the file.

- Form 7
- Remand warrant
- Section 77 Order
- Section 26 Order
- Section 25 Order

These orders must then be filed under *Section 3* of the warrant file labelled **GENERAL**.

ATTENTION SECTION - “ALERTS” & “CARE-IN-PLACEMENT”

This section is colour coded **red** with a tab labelled “**ATTENTION**”. This section of the file is used by Sentence Administration staff to indicate that the necessary checks of inmate warrant files have been performed. Refer to Section 4.13 of the Sentence Administration Manual for details.

Information regarding the “Care-in-Placement”, segregation, self-harm and inmate health are filed in the inmate’s case file or medical file.

This section is used to file documents from the Department of Immigration and Border Protection regarding an inmate’s *Order to Hold*, Visa determination or citizenship, and DNA testing documentation.

Other documents which may be filed in this section, for example – a letter from NSW Police or other law enforcement agency requesting contact or notification prior to an inmate’s release.

2.9.2 SECURITY OF WARRANT FILES

All Warrant Files are to be retained in a secure location, access to which is controlled by Sentence Administration staff. All file movements from the Sentence Administration area are to be recorded indicating the staff member who removed the file and date and time. No warrant file is to leave the Sentence Administration office without permission of the relevant Team Leader.

Access to view files within the office may be permitted at the discretion of the Team Leader.

After-hours access is to be arranged with local management so that files can be obtained in emergency circumstances (eg escapes, deaths in custody, late notice escorts, etc). Any files removed in such circumstances must be recorded in the same manner as above.

2.9.3 ELECTRONIC WARRANT FILES

Provision exists in TRIM to create an electronic version of the warrant file. A pilot scheme was conducted during 2010 for all new female receptions. The pilot ceased in November 2010.

The *e-offender project* has integrated OIMS and TRIM so that documents can now be viewed and saved directly through OIMS. Inmate documents for appeals to the Court of Criminal Appeal and bail applications to the Supreme Court are to be saved to OIMS. Instructions are available [here](#).

Refer to this [TRIM link](#) for details on which documents are to be saved on the TRIM warrant file and the respective naming convention for each document.

2.9.3.1 Disposal of Scanned Documents

Upon scanning and saving of hard copy documents to TRIM, the documents are to be retained for subsequent disposal by Information Management. The scanned document becomes the official document for all purposes.

Each centre is to maintain a Records box of all hard copy documents that have been scanned to TRIM. They should be stored simply in chronological order and may be disposed of after 6 months, in consultation with Information Management.

2.10 INMATE REQUESTS FOR WARRANTS

Inmates are entitled to request a copy of any warrant for which they are detained at any stage. An inmate may also be provided with a copy of the OIMS Convictions and Sentences (C&S) Report if requested.

One copy of each warrant or C&S Report may be provided with no charge. However, subsequent requests for copies of such documents will only be accommodated if the inmate provides relevant payment.

Such requests may be processed at the correctional centre and do not need to be processed by Freedom of Information.

Requests for copies of all other documents are to be made through the [Information Access & Privacy Unit](#) .

2.11 DATA ENTRY REQUIREMENTS

Sentence Administration staff are required to maintain or oversight data in the following OIMS screens. These duties constitute the core business of the State Sentence Administration staff in a correctional centre.

- Admissions
- Aliases
- Addresses
- Alerts (for Sentence Administration Alerts only)
- Personal Information
- Personal and Professional Contacts (data entry instructions – click [here](#))
- Physical Identifiers
- Child Protection
- Jurisdictional Transfers
- Appeals
- Periodic Detention Sentences
- Case Notes
- Movements
 - Transfers
 - Releases
 - Courts and Temporary Absences
- Legal Orders – all screens except Care In Placement
 - Appearance Orders
 - Bail
 - Bail Results
 - Sentence Warrants
 - Delete Orders
 - Interim merge/Unmerge Offender Records (MINs)
 - Non-Association Place Restriction Order
 - Historical sentence maintenance
 - Appeals
 - Parole Revocation (upon execution of warrants only)
 - Adjust Sentence
 - Interstate Transfer Sentence Adjustment
 - Compulsory Drug Treatment Orders

Maintenance of all other screens is the responsibility of other units within Corrective Services. However, Sentence Administration staff may be required to assist where required to ensure the smooth running of the centre. If this requirement becomes at all onerous, the Cluster Manager or Regional Manager should be consulted for clarification.

2.11.1 Smoking Status

From 12 March 2013, upon initial reception to custody, the smoking status of inmates is to be entered in the Smoking Status field of the Personal Information screen in OIMS by Sentence Administration staff at the centre where the inmate was received. The information is obtained from the Personal Description Form.

If an inmate seeks to change his smoking status, he/she must complete an Inmate Request Form and the OIMS status is updated by custodial staff. Refer to Section 17.7.7 of the Operations Procedures for details.

Sentence Administration staff will be responsible for updating the smoking status of inmates currently in custody and assist with the procedures to do so on a local level. The information is to be obtained by 29 March 2013.

Any inmate with a smoking status that has not been captured by this date is to be identified through the Missing Data Report. Custodial staff will be responsible for obtaining and updating the status in OIMS.

2.11.2 Verification of Data Entry

Where facility exists to do so, all data entry is to be verified by a Senior Administration Officer within one working day of its entry.

All verification is to be reconciled with the *Unverified Records Report* (Click [here](#) for instructions) daily with the exception of those Sentence Administration Units where there is only 1 staff member. In these units, it is the responsibility of the Cluster Manager to ensure regular verification of data entry. Click [here](#) for the relevant policy.

Detailed information is included in Section 3 of the Sentence Administration Manual to assist verifying officers assess the order's compliance with legislation and other procedural requirements. It further outlines action to be taken to rectify identified anomalies and recording action that has been taken.

2.11.2.1 Check Justice Link References

Sentence Administration Staff are further required to check the Justice Link Case Numbers on all newly received Remand Warrants and Sentence Warrants against existing Sentence of Imprisonment Warrants to identify if the new warrant has been issued in relation to an appeal against an existing sentence.

Details of the relevant procedure may be referenced [here](#).

2.11.3 Active Sentences from Previous Periods of Imprisonment

Active sentences from previous periods of imprisonment may interfere with the Sentence Key Dates calculation of the earliest possible release date.

Therefore, as part of the reception process for all new admissions from an outside location (including BOP Caseload, Escapees, etc), any active sentence from that period is to be reviewed for currency and updated accordingly.

If an active sentence from a previous booking has been identified, its legal status in OIMS is to be updated in the Update Legal Status screen.

This may include updating any appeal result that may have been made in relation to that sentence.

Further instructions are available from the [OIMS User Guide](#).

2.12 MERGED MINS

On occasion, staff may identify more than one MIN for an offender or, where the details for an offender have been included on the record for another. This should be referred to State Sentence Administration by email (SSA@justice.nsw.gov.au) at Windsor for further investigation.

Provide as much detail as possible to assist the Sentence Administration officer processing the request.

Reference to other databases will also be undertaken to remove any uncertainty, such as COPS (The New South Wales Police Force database) and JusticeLink.

Once it has been finalised, the MINs will be merged or necessary details moved to the correct record. If the MINs are merged, OIMS will display a message indicating the offender has more than one MIN and display the other merged MINs. Staff will be able to refer to the other MINs to obtain a complete history.

If a MIN subsequently varies to that advised above, the State Sentence Administration Unit at the respective correctional centre will be contacted. The Correctional Centre Unit should advise all relevant sections within the centre, such as Intake (Reception), Classification, Justice Health, etc.

2.13 CHANGING NAMES OF INMATES

As a general rule, the inmate's primary name is to be recorded as that which appears on his/her first reception warrant for each particular episode of imprisonment. Should that vary at any stage during the current episode of imprisonment, the primary MIN should only be altered in consultation with the court and/or police to determine the reason for the change of name.

If an inmate subsequently seeks to change his name for any reason, an alias is to be recorded but the primary name will remain as that on the holding warrants.

2.13.1 DATA ENTRY OF NAME CHANGES

Name changes are recorded in OIMS under the Aliases screen (Intake > Aliases).

Once the new name details have been confirmed, simply create a new alias (if not already entered), click on the "WN" button (working name) and save it.

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DOCUMENT HISTORY

Version	Date	Reference
1.0	26-11-09	First issue
1.1	23-11-10	Some minor alterations made to include the E-Offender system that will result in electronic warrant files being created, replacing hard copies.
1.2	9-5-11	Procedure and Policy for verifying OIMS entries and reconciling court lists included.
1.3	2-6-11	Sect 2.1.4 updated to specify that CESU staff must not release an inmate from a CESU location until a completed Lodgement Form is returned from SAU at MRRC. 2.11 updated to include data entry instructions for Personal & Professional Contacts screen. ECP to added to next of kin if no other contact nominated.
1.4	26-7-11	2.10 updated to include copies of Conviction & Sentences Reports to be provided to inmates upon request 2.9.1 - Updated with instructions on creating warrant files and what is stored on them. 2.9.3 – Creation of TRIM warrant files changed. This system is on hold and will be superseded by e-Offender.
1.5	21-10-11	2.4 Updated to include data entry procedures for Admissions screens
1.6	13-3-13	2.11.1 – added to include details of updating inmates' smoking status. 2.11.3 – added to require Sentence Admin staff to discharge or send to History, active sentences from old bookings.
1.7	20-5-13	References to Probation and Parole updated to Community Offender Services to reflect changes to Crimes (Admin of Sentences) Reg on 17-5-13
1.8	3-7-13	2.2 created to require SAU staff to request or investigate appearance orders when inmate indicates such on IIO 2.9.1 – updated to reflect requirement to sign Attention Section of warrant file for escort-in checks.
1.9	19-10-14	Generally updated to reflect changes from introduction of Bail Act 2013.
1.10	24-8-15	Updated to reflect Sentence Admin Branch becoming Sentence Admin Corporate
1.11	22-07-16	Updated internal and external hyperlinks to documents, TRIM and websites, as well as email addresses. Updated formatting on Headings, tabs and bullets. 2.3 and 2.9.3 – Update on description of electronic warrant files
1.12	26-11-19	Updated 2.12 to change merged MIN contact point from SAC to SSA. Also a few changes to reflect changes to Lodgements etc from MRRC to Windsor SSA.
1.13	7-5-2020	2.8.4 added to include info about Court Order Notices

NEXT REVIEW DATE

Ongoing