



Commissioner's Instruction

To: Senior Assistant Commissioner, Inmate and Custodial Services
Assistant Commissioner, Inmate Management
All Regional Commanders
Commander, Security and Investigations
Corporate Counsel
All Governors
All OIC Courts

Subject: Strengthening of Administrative Procedures Relating to the Release of Inmates from Custody

PREAMBLE

This instruction is issued in accordance with the provisions of section 235B of the Crimes (Administration of Sentences) Act 1999. Commissioner's instructions amount to lawful orders and any staff member who intentionally disobeys or disregards this instruction will be liable to disciplinary action under the Public Sector Management Act 1988.

INSTRUCTION

Administrative procedures relating to the discharge of inmates from custody have been revised, particularly in relation to inmates who have pending court appearances. Procedures have been strengthened in order that a warrant file clearly documents that all sentence administration details have been properly investigated and verified prior to an inmate's release. The following procedures must be strictly adhered to.

Discharge Checklists

- 1) An administrative officer at a correctional centre will prepare and check the discharge, which will then be verified by a more senior officer. Final authorisation will be by a senior commissioned custodial officer who will have ultimate responsibility for the release.

- 2) Notations must be included on the checklist indicating the name and signature of the person who prepares the papers, followed by the person who checks the papers and finally by the officer who authorises the release.
- 3) A Discharge Checklist is to be completed for all inmates being released to freedom, whether sentenced or unsentenced.

Inmates who have a section 77 order requiring their appearance at court on the day they are due for discharge.

Whilst it is a rare occurrence, it sometimes happens that a section 77 order will be issued requiring the person's appearance at court on the day he/she is due for release from custody. If this occurs, the following steps must be taken:

- 1) The relevant court must be contacted at the earliest possible opportunity and no later than the day before the inmate is to be released and advised of the person's pending release. If the court does not require the inmate to be escorted to court (eg. if the inmate is on continuing bail on the matter) a written advice to that effect must be obtained from the court.
- 2) In the absence of written advice from the court, the inmate is to be escorted to court in accordance with the terms of the section 77 order. The person should be returned to the correctional centre following his/her appearance and providing no further detainers emanate from the appearance, the inmate can then be discharged.
- 3) The Department is legally able to detain an inmate until midnight on the day of release so it is appropriate that inmates be returned to the correctional centre for discharge rather than their property and valuables having to be transported to court.
- 4) If the inmate is appearing at a remote court and is not likely to be able to be returned to the correctional centre on the day of appearance, steps should be taken to release the inmate from the court if he/she is no longer required or has entered bail.
- 5) When contact is made with a court in such matters, the name of the court officer and the person's response must be clearly documented on the warrant file.

Inmates who have a section 77 order requiring their appearance on a day subsequent to their date of release

It is often the case that a person about to be discharged will have a section 77 order on file for a date subsequent to the date of release. The following steps must be taken in these cases.

- 1) The relevant court must be contacted at the earliest possible opportunity and no later than the day before the person is to be discharged. The court must be advised of the inmate's impending release and asked if it is intended to issue an order which authorises the inmate's continued detention beyond his/her date of release.
- 2) Where possible, a written response from the court should be obtained and filed on the warrant file. In any event, the name of the court officer and the response must be noted and filed on the warrant file.
- 3) If the court does not issue a further order, the inmate's release may proceed. However, it is important that proper communication be maintained with the court. If it is the intention of the court to issue a further order it should be remembered that the inmate can be legally detained until midnight on the day of release pending the issue of further documentation if necessary.

Inmates being discharged to bail after hours who have outstanding section 77 orders on file.

There are occasions when an inmate will be in a position to comply with his/her bail conditions after hours and it is not possible to contact the relevant court to make inquiries about an outstanding section 77 order. In these circumstances, the following steps must be taken:

- 1) In cases where an inmate is being discharged after hours (eg. to bail) and it is not possible to contact the court, the inmate's discharge cannot be delayed.
- 2) On the next working day following the inmate's release from custody, written advice is to be forwarded to the relevant court of the date, time and type of discharge along with a copy of the section 77 order.

The above procedures must also be followed in respect of any other outstanding orders which do not authorise an inmate's detention in custody but simply authorise his/her attendance at a court or tribunal, eg. an order under the provisions of section 67 of the District Court Act 1973.

Enquiries or further clarification of any of the above procedures are to be directed to [REDACTED] Director, Sentence Administration on [REDACTED]

RON WOODHAM
Commissioner
January 2002



Commissioner's Instruction

To: Senior Assistant Commissioner, Inmate and Custodial Services
Assistant Commissioner, Inmate Management
All Regional Commanders
Commander, Security and Investigations
Corporate Counsel
All Governors
All OIC Courts

Subject: Release of Inmates from Custody

PREAMBLE

This instruction is issued in accordance with the provisions of section 235B of the Crimes (Administration of Sentences) Act 1999. Commissioner's instructions amount to lawful orders and any staff member who intentionally disobeys or disregards this instruction, or is found to be negligent in the performance of their duties, may be liable to disciplinary action under the Public Sector Management Act 1988.

INSTRUCTION

In recent years a number of instructions have been issued regarding processes to be followed when discharging an offender from custody. These instructions have been incorporated into Section 11 of the Operations Procedures Manual and they state that where doubt exists in any case, or if clarification of any issue is required, the matter is to be referred to the Sentence Administration Branch for advice. In cases where a discharge is to occur after hours or on a weekend, the matter is to be referred to the Duty Officer for advice.

There have been several cases recently where offenders have been discharged from custody and the person's release was subsequently found to be erroneous. The errors in these cases could have been avoided if advice had been sought prior to the person being discharged.

There is no excuse for an officer to claim after an offender has been discharged in error that he/she was not aware of procedures or was unsure of what to do in a particular case. The avenues of seeking advice are in place and must be utilised. All officers who have responsibility for discharging offenders from custody, including those at court security locations, are to be reminded of the need to seek advice in cases where any doubt exists before discharging an offender from custody. In seeking such advice, all relevant documentation must be faxed to the person who will be providing the advice.

RON WOODHAM

Commissioner

January 2002



Commissioner's Instruction

**To: Senior Assistant Commissioner Inmate and Custodial Services
Assistant Commissioner Probation and Parole
Assistant Commissioner Inmate Management
Commanders
Regional Directors
Executive Directors
Corporate Counsel
All Governors
All OIC Courts
Director CSI**

Subject: ASSOCIATION WITH OFFENDERS

Preamble

This instruction is issued under section 235B of the Crimes (Administration of Sentences) Act 1999. Commissioner's instructions amount to lawful orders. Any staff member who intentionally disobeys or disregards this instruction may be liable to disciplinary action under the Public Sector Management Act.

Instruction

Employees must not knowingly have any ongoing or intentional personal, social or business association with an offender, former offender or the family or friends of an offender or former offender without the written permission of the employee's Commander, Regional Director or Divisional Head.

Employees who have such an association, or wish to commence such an association, should report it in the first instance to their supervisor or manager. If the employee wishes to obtain permission for the association to continue (or commence) then the employee should submit a report setting out:

- the nature of the association;
- the reasons why the employee would like to continue (or commence) the association;
- an assessment as to the likely impact, if any, the association would have on the

- operation, security and reputation of the Department ; and
- an assessment as to the likely impact, if any, on the employee's ability to perform his or her duties with integrity, efficiency and impartiality.

The report should be referred to the Commander, Regional Director or Divisional Head by the employee's manager or supervisor with a covering recommendation, with reasons, as to whether permission to allow the association should be granted or not.

It is not necessary for an employee to report unintentional contact with an offender, former offender or the family or friends of an offender or former offender which occurs in a public place. For instance, employees who work in country towns or small communities need not report unavoidable contact with offenders, former offenders and their family or friends, even if such contact is frequent, provided such contact occurs in a public place (such as a shopping centre or a club). However, if the employee intends to take such casual contact further or if the employee meets the person in a private home or some other place not open to or used by the public, then such contacts should be reported.

Please ensure that all staff under your area of administration are aware of this Instruction.

A copy of this Instruction has been placed on the Department's Intranet.

RON WOODHAM
Commissioner

March 2002



Commissioner's Instruction

**To: Senior Assistant Commissioner Inmate and Custodial Services
Assistant Commissioner Probation and Parole
Assistant Commissioner Inmate Management
Commanders
Regional Directors
Executive Directors
Corporate Counsel
All Governors
All OIC Courts
Director CSI**

Subject: *PERSONAL RELATIONSHIPS WITH OFFENDERS*

Preamble

This instruction is issued under section 235B of the Crimes (Administration of Sentences) Act 1999. Commissioner's instructions amount to lawful orders. Any staff member who intentionally disobeys or disregards this instruction may be liable to disciplinary action under the Public Sector Management Act.

Instruction

Employees who have a current or previous personal relationship with an offender must report that relationship to their senior officer through their manager or supervisor.

Such relationships would include family membership (eg parent, child, sibling, uncle/aunt, cousin, in law or otherwise related by marriage), friendships (eg school friend, sports team mate, family friend, former work/business colleague) and partners or former partners (husband/wife, defacto, same sex partner, boy/girlfriend).

The purpose in reporting the relationship is to ensure that:

- the employee and the offender are both protected ;
- there is no actual or potential conflict of interest in the employee working in any particular area or location of the Department ; and
- there is no actual or potential conflict of interest in the employee remaining in employment with the Department while continuing that relationship or while the

offender remains under the care and control of the Department.

The Department's main concern is to ensure that the employee has no official dealings with the offender, that is, that the employee is not in a position of authority, decision making or influence in respect to that offender. In the vast majority of cases the situation is resolved by the employee or offender being relocated to an area or location where the employee has no official dealings with respect to that offender.

Under no circumstances is an employee to have official dealings with an offender with whom the employee is in, or has been in, a personal relationship without the written permission of the Senior Assistant Commissioner Inmate and Custodial Services, the Assistant Commissioner Probation and Parole or the Assistant Commissioner Inmate Management.

Pending a decision in this regard, the employee's manager or supervisor is to ensure that the employee has no official dealings with the offender.

There may be some rare circumstances where the operations, security and reputation of the Department are so inexorably compromised by the personal relationship between an employee and an offender that the employee may have to elect between remaining in employment with this Department or maintaining the relationship. If such a situation arises, no decision would be made without full consultation with the employee and his or her representatives.

Procedures for reporting the relationship:

Where an employee is aware that a person with whom he or she has, or has had, a personal relationship is in the Department's custody or is under the supervision of the Probation and Parole Service, the employee is to immediately make a written report to his or her supervisor or manager. That report should include:

- the name of the offender
- the nature of the relationship
- whether the employee perceives any actual or potential conflict of interest by virtue of that relationship
- whether the employee has had any, currently has any or is likely to have any, official dealings with that offender
- if the employee is seeking permission to have official dealings with the offender, an explanation as to why such dealings would not constitute an actual or potential conflict of interest and why permission should be granted.

The manager or supervisor should refer the report to the Commander, Regional Director or Divisional Head with appropriate comments. Such comments should include:

- whether the supervisor or manager is satisfied that there is no actual or potential conflict of interest

- what steps have been taken, or what steps are proposed to be taken, to ensure that the employee has no, and will have no, official dealings with the offender.

If the employee has requested permission to have official dealings with the offender, the supervisor or manager should forward the report to the Senior Assistant Commissioner or the relevant Assistant Commissioner, through the Commander, Regional Director or Divisional Head , with a recommendation, with reasons, as to whether such permission should be granted or not.

If the supervisor or manager is of the view that the operations, security and reputation of the Department are inexorably compromised by the personal relationship between the employee and the offender, he or she should refer the employee's report, with appropriate comments, to the Senior Assistant Commissioner or Assistant Commissioner through the Commander, Regional Director or Divisional Head .

Please ensure that all staff under your area of administration are aware of this Instruction.

A copy of this Instruction has been placed on the Department's Intranet.

RON WOODHAM
Commissioner

March 2002



Commissioner's Instruction

**To: Senior Assistant Commissioner Inmate and Custodial
 Assistant Commissioner Probation and Parole
Assistant Commissioner Inmate Management
 Commanders
 Regional Directors
 Executive Directors
 Corporate Counsel
 All Governors
 All OIC Courts
 Director CSI**

Subject: *BORROWING AND LENDING MONEY*

Preamble

This instruction is issued under section 235B of the Crimes (Administration of Sentences) Act 1999. Commissioner's instructions amount to lawful orders. Any staff member who intentionally disobeys or disregards this instruction may be liable to disciplinary action under the Public Sector Management Act.

Instruction

Borrowing money from and lending money to fellow employees has, in certain circumstances, the potential to lead to a conflict of interest or corrupt behaviour. The risk of corruption increases with the amount of money involved.

Examples of situations which may lead to a conflict of interest or corrupt behaviour are:

- A senior employee borrows a sum of money from a junior employee and refuses to repay the loan
- A junior employee lends money to a senior employee and then seeks an advantage in terms of promotion or better posts or overtime
- A senior employee makes a loan to a junior employee and then pressures the employee for sexual favours

- A junior employee who owes money to a senior employee is overlooked in terms of development opportunities or promotion because of the debt
- A contractor or potential contractor lends money to an employee and then requests from the employee confidential information which the lender is not entitled to receive.

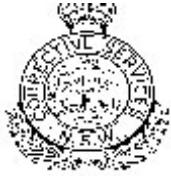
Other than nominal amounts, employees should not borrow money from or lend money to other employees, contractors or potential contractors without the prior approval of a senior officer.

Please ensure that all staff under your area of administration are aware of this Instruction.

A copy of this Instruction has been placed on the Department's Intranet.

RON WOODHAM
Commissioner

March 2002



Commissioner's Instruction

To: Senior Assistant Commissioner Inmate and Custodial Services
Assistant Commissioner Probation and Parole
Assistant Commissioner Inmate Management
Commanders
Regional Directors
Executive Directors
Corporate Counsel
All Governors
All OIC Courts
Director CSI

Subject: GAMBLING

Preamble

This instruction is issued under section 235B of the Crimes (Administration of Sentences) Act 1999. Commissioner's instructions amount to lawful orders. Any staff member who intentionally disobeys or disregards this instruction may be liable to disciplinary action under the Public Sector Management Act.

Instruction

Any employee who wishes to engage in lawful gambling activities should do so in his or her own time and not when on duty.

Some minor gambling activities such as football tipping competitions, Melbourne Cup sweeps, and lotto syndicates may be conducted in the work place with the permission of the governor or manager provided the activity does not impact on the efficiency or performance of the employees' official duties.

The following is not permitted at any time:

- playing card or other games for wager (such as money, goods, services) in the workplace with other staff members
- gambling with an offender
- receiving gambling or betting tips from an offender or the family or friends of an offender

Please ensure that all staff under your area of administration are aware of this Instruction.

A copy of this Instruction has been placed on the Department's Intranet.

**RON WOODHAM
Commissioner**

March 2002



Commissioner's Instruction

To: Senior Assistant Commissioner Inmate and Custodial Services
Assistant Commissioner Probation and Parole
Assistant Commissioner Inmate Management
Commanders
Regional Directors
Executive Directors
Corporate Counsel
All Governors
All OIC Courts
Director CSI

Subject: **MISLEADING STATEMENTS AND OFFICIAL DOCUMENTATION**

Preamble

This instruction is issued under section 235B of the Crimes (Administration of Sentences) Act 1999. Commissioner's instructions amount to lawful orders. Any staff member who intentionally disobeys or disregards this instruction may be liable to disciplinary action under the Public Sector Management Act.

Instruction

Employees must be honest and truthful at all times. In particular, employees must not:

- wilfully or negligently make any false, misleading or incorrect statement
- knowingly make or sign a false statement in an official document, record or book
- destroy, mutilate or hide an official document, record or book
- alter or erase an entry in an official document, record or book
- unlawfully tamper with, erase, destroy or mutilate an official record on the Department's corporate or local computer system or associated equipment and accessories
- wilfully omit relevant facts or other information from a statement or report.

Please ensure that all staff under your area of administration are aware of this

Instruction.

A copy of this Instruction has been placed on the Department's Intranet.

RON WOODHAM
Commissioner

March 2002



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Commissioner's Instruction

To: **Senior Assistant Commissioner Inmate and Custodial**
Assistant Commissioner Probation and Parole
Assistant Commissioner Inmate Management
Commanders
Regional Directors
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Director CSI

Subject: ***PUBLIC COMMENT ON THE WORK OF THE***
DEPARTMENT

Preamble

This instruction is issued under section 235B of the Crimes (Administration of Sentences) Act 1999. Commissioner's instructions amount to lawful orders. Any staff member who intentionally disobeys or disregards this instruction may be liable to disciplinary action under the Public Sector Management Act.

Instruction

Employees are not permitted to make any public comment on the work or activities of the Department without first obtaining written permission from the Media and Public Relations Unit.

Public comment includes public speaking engagements, comments on radio, television or in newspapers, expressing views in books, journals or notices including electronic media such as the Internet and email where it is expected that the comments will be seen or heard by members of the public.

Employees as members of the community, have the right to make public comment and enter into public debate on political and social issues. However, it must be made clear that the employee is speaking on his or her own behalf and is not representing the Department. For example, it would be inappropriate without official permission to:

- sign a letter to a newspaper “Jane Doe, Correctional Officer, XYZ Correctional Centre”
- make a personal statement for radio, television or print media, either directly or indirectly purporting to be a representative of the Department
- create a web site on the Internet in which the employee expresses views or provides information on the work or activities of the Department
- sends an email to a public organisation either signed “Jane Doe, Correctional Officer, XYZ Correctional Centre” or which expresses views or provides information on the work or activities of the Department
- be photographed or filmed by the media while wearing a Departmental uniform, except in circumstances beyond the employee’s control.

When public comment is inappropriate

There are some circumstances in which public comment on the work of the Department is particularly inappropriate. For example:

- where the comment would appear to compromise the employee’s ability to administer Departmental policy in an efficient and professional manner
- where the comment gives the impression that the employee is not prepared to implement the policies of the Department.

Please ensure that all staff under your area of administration are aware of this Instruction.

A copy of this Instruction has been placed on the Department’s Intranet.

RON WOODHAM
Commissioner

March 2002



Commissioner's Instruction

To: **Senior Assistant Commissioner Inmate and Custodial**
Assistant Commissioner Probation and Parole
Assistant Commissioner Inmate Management
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Regional Directors
Executive Directors
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All Governors
All OIC Courts
Director CSI

Subject: **REPORTING CORRUPT CONDUCT**

Preamble

This instruction is issued under section 235B of the Crimes (Administration of Sentences) Act 1999. Commissioner's instructions amount to lawful orders. Any staff member who intentionally disobeys or disregards this instruction may be liable to disciplinary action under the Public Sector Management Act.

Instruction

Employees have a duty to report suspected corrupt conduct.

Employees are encouraged to report suspected corrupt conduct and will be supported by the Department if they do so.

Employees should report suspected corrupt conduct in writing to their supervisor, manager, Branch Head or Divisional Head or to the Commissioner or to one of the persons listed in Appendix B of the Code of Conduct and Ethics.

Employees are entitled to report suspected corrupt conduct to the Independent Commission Against Corruption.

Supervisors and managers must ensure that all employees have appropriate information about the Department's internal procedures for reporting corrupt conduct.

Employees who knowingly make frivolous or vexatious allegations may be subject to disciplinary action.

Please ensure that all staff under your area of administration are aware of this Instruction.

A copy of this Instruction has been placed on the Department's Intranet.

RON WOODHAM
Commissioner

March 2002



12/2002

Commissioner's Instruction

**To: Senior Assistant Commissioner Inmate and Custodial Services
Assistant Commissioner Probation and Parole
Assistant Commissioner Inmate Management
Commanders
Regional Directors
Executive Directors
Corporate Counsel
All Governors
All OIC Courts
Director CSI**

Subject: *USE OF DEPARTMENTAL RESOURCES FOR PRIVATE PURPOSES*

Preamble

This instruction is issued under section 235B of the Crimes (Administration of Sentences) Act 1999. Commissioner's instructions amount to lawful orders. Any staff member who intentionally disobeys or disregards this instruction may be liable to disciplinary action under the Public Sector Management Act.

This instruction takes the place of Commissioner's Instruction 08/2002 of the same title.

Instruction

Employees should be aware that, as a general rule, Departmental equipment and facilities are to be used for Departmental purposes only. Employees who regularly need to use telephones, computers and other office equipment for private purposes should make their own arrangements by purchasing their own equipment or by using facilities in libraries, post offices, Internet cafes etc.

Notwithstanding this, employees who wish to make occasional and limited use of some Departmental facilities and equipment for private purposes may be permitted to do so

in certain circumstances. Examples of where such use is permitted include:

- short telephone calls
- receiving or sending local facsimiles
- limited use of a photocopier
- receiving and sending short emails (in accordance with the Information Technology Security Policy)

Use of such facilities and equipment is never permitted when such use:

- is for the purpose of conducting a private business
- unduly disrupts work processes
- is clearly excessive in terms of volume or frequency.

If an employee is uncertain as to whether the proposed use of a Departmental facility for private purposes is acceptable, permission must be obtained from the employee's supervisor or manager.

As a general rule the following is unacceptable:

- private long distance telephone calls
- telephone calls to recorded services
- gratuitous private calls on Departmental mobile phones
- any private use of a Departmental motor vehicle
- use of the Internet for private purposes during work time
- use of a computer for private purposes (such as typing a university assignment) during work time.

It should be noted that telephone calls to sexually explicit telephone services and access to sexually explicit Internet sites is not permitted at any time.

If an employee finds that a private call on a Departmental mobile phone is necessary, the employee will be required to pay for the call.

Managers and supervisors may give permission to use Departmental office equipment and facilities for private purposes in the employee's own time, and in the workplace, provided such use:

- is not for the purpose of conducting a private business and
- does not unduly disrupt work processes, and
- is not clearly excessive in terms of volume or frequency.

An example would be permitting an employee to type a university assignment on a Departmental computer, print the document and photocopy it during the employee's lunch break or before the employee has commenced duty or after the employee has finished duty. Similarly it may be permissible to allow an employee to do some limited research on the Internet in the employee's own time provided the above criteria are met.

Portable Departmental equipment (such as lawn mowers and other industrial machines and equipment) should not be used for private purposes. Managers and supervisors may not give permission for private use of such Departmental resources.

Please ensure that all staff under your area of administration are aware of this Instruction.

RON WOODHAM
Commissioner

1 July 2002



Commissioner's Instruction

To: Senior Assistant Commissioner, Inmate and Custodial Services
Assistant Commissioner, Inmate Management
All Regional Commanders
Commander, Security and Investigations
Corporate Counsel
All Governors
All OIC Courts

SUBJECT: AMENDMENTS TO THE BAIL ACT 1978

PREAMBLE

This instruction is issued in accordance with the provisions of section 235B of the Crimes (Administration of Sentences) Act 1999. Commissioner's instructions amount to lawful orders and any staff member who intentionally disobeys or disregards this instruction, or is found to be negligent in the performance of their duties, may be liable to disciplinary action under the Public Sector Management Act 1988.

INSTRUCTION

On 20 September 2002 the *Courts Legislation Further Amendment Act 2002* amended sections 35, 36(3)(d), 39 and 39B of the Bail Act 1978 ("the Act"). The effect of the amendments is to remove the requirement for a Justice of the Peace to make a determination as to whether or not a person or persons are "acceptable persons" for the purposes of the Act and to receive bail undertakings.

Effective immediately, the functions previously undertaken by Justices of the Peace can be undertaken by officers who hold, or are acting in, the following ranks or positions:

- commissioned correctional officers
- non-commissioned correctional officers of the rank of senior correctional officer

- any correctional officer who is acting in a position of officer in charge of a correctional centre or police/court security cell complex
- Administration Managers employed in correctional complexes and correctional centres
- Inmate Records Managers employed in correctional complexes and correctional centres
- Inmate Records Team Leaders employed in correctional complexes or correctional centres

All references to “Justice of the Peace” should be deleted from forms being signed in accordance with the Act and the title “Authorised DCS Officer” substituted. New forms are currently being designed and will be distributed as soon as possible. Do not sign simply as “authorised officer” as this title has a separate definition under the Act.

STAFF TRAINING

To assist with the implementation of the amendments, and to enhance the efficiency of discharging inmates in general, a “Legal Detainers and Discharge Procedures” course will soon be implemented at the Corrective Services Academy. Staff employed in areas involved with the reception and discharge of inmates, in particular, court security locations, will be expected to complete this course and further information in this regard will be disseminated through staff officers in the near future.

Any enquiries regarding the above should be referred to the Director of Sentence Administration, [REDACTED]

RON WOODHAM
Commissioner
28 October 2002