

Custodial Operations Policy and Procedures

1.2 Reception – warrants and detainers

Policy summary

Corrective Services NSW (CSNSW) must have a valid warrant or detainer issued by a court or another authority authorising it to hold a person in custody.

It is the responsibility of Sentence Management Operations (SMO) to obtain a valid warrant or detainer from a court or other authority.

If an inmate is received at a correctional centre directly from the Police, it is the responsibility of centre staff to send the warrant or detainer to SMO.

This policy document applies in conjunction with the Sentence Administration Manual.

Management of Public Correctional Centres Service Specifications

Service specifications	<p>Decency and respect</p> <p>Professionalism and accountability</p> <p>Safety and security</p>
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Scope

This section applies to all correctional centres and other facilities administered by or on behalf of CSNSW.

It also applies to all CSNSW employees, and where relevant to other personnel such as contractors, subcontractors, and visitors.

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1 Warrants and detainers

1.1 Policy

CSNSW must have a valid warrant or detainer issued by a court or other authority for it to hold a person in custody. It is the responsibility of SMO to obtain a valid warrant or detainer from a court or other authority.

The digital warrant file will hold all valid warrants and detainers for inmates that are to be detained in custody. If an inmate is received at a correctional centre directly from the Police, SMO staff is responsible for obtaining and uploading these orders.

During normal business hours, advice should be obtained from SMO at the relevant correctional centre, [contact details](#).

After hours advice may also be requested from Sentence Management Operations unit at ssa@dcj.nsw.gov.au or 8688 – 0599.

Duty managers may also request advice from the Regional Managers. The Regional Manager is responsible for contacting the Director, Sentence Management. .

This policy document applies in conjunction with the Sentence Administration Manual.

1.2 Police bail refused/not met

Police officers have the power to make an initial bail determination for a person who has been arrested. An inmate who is initially received into a court or police cell may be held on a *Reason for Bail Decision by Police Officer* form until their court appearance if bail is refused or granted but not met.

SMO must be notified of inmates received and provided with a copy of the lodgement form to provide clearance for their release (**refer to COPP section 1.1 Reception procedures and SA Manual section 2 Admissions and warrants**).

Information contained in the *Reasons for Bail Decision by Police Officer* form is not entered into OIMS, although SMO will record the imprisonment status as Police Bail Refused/Not Met (PBRNM).

Following the inmate's court appearance, SMO will account for all charges before providing clearance to the Court Escort Security Unit (CESU) for the inmate's release, or detention (**refer to COPP section 23 Release of inmates and SA Manual section 6 Releases of inmates**).

1.3 Court result sheet

A [Court Result Sheet \(CRS\)](#) must be completed by staff in the CESU who attend court during an inmate's appearance and record a summary of the Court's decision.

The officer completing the CRS must take all reasonable steps to ensure that the information that is recorded is a true and accurate summary of the Court's decision on the day, and that it is acted on appropriately.

A CRS sheet is a CSNSW internal document that may be used by CSNSW to make interim transport and placement decisions, following an inmate's court appearance.

The completed CRS is not to be provided to the court registry and will only be used until a decision from a court on the outcome of the appearance is received by CSNSW.

Inmates are able to be transported and admitted to correctional centres and 24-hour cells locations using a CRS without the need for the physical warrant or detainer, but only on the day of the court appearance. A valid warrant or detainer issued by the court **must** be obtained by SMO staff and recorded in OIMS for an inmate to be detained in CSNSW custody for longer than the day of their court appearance (i.e. overnight).

CESU staff must also ensure that a CRS accompanies all inmates from court to the place of detention. A physical copy of any applicable orders may be required by police to transport an inmate.

1.4 Change to an inmate's court appearance

When an inmate is scheduled to appear before the court in person but, due to circumstances, appears via audio-visual link, or does not appear at all, staff must inform Sentence Management Operations (SMO) at the earliest opportunity. This will ensure that SMO can, in a timely manner, provide the centre with the authority to either detain or release the inmate.

1.5 Remand warrants

Remand warrants are an order made by a court for a person to be brought before the court. An inmate must not be detained on an order made by a court under section 77 of the *Crimes (Administration of Sentences) Act 1999*, which is an order for an inmate to appear before a court.

A valid remand warrant **must**:

- be addressed to CSNSW
- direct CSNSW to detain the inmate
- include the inmate's name and date of birth (which must be verified against other documents/records available)
- have a court name and date of issue
- be signed by an authorised officer (such as a Court Registrar)
- direct that the inmate be remanded to a later date to be returned to a specified court at a future date, time and place (this does not apply to a Children's Court unless an order pursuant to section 28 of the *Children (Detention Centres) Act 1987* exists)
- contain a bail determination.

A bail determination for an inmate must be provided by the court, which is recorded on the remand warrant, and will be either:

- Bail refused: authorises CSNSW to remand the inmate in custody until a specified future date, pending a decision by the court on their matter(s) (unless a court grants bail before the future date), or
- Bail granted: provides that if an inmate can meet the set conditions, they will be eligible for release (unless they have further warrant(s) or detainer(s)) (**refer to**

COPP section 23 Release of inmates and SA Manual section 6 Release of inmates).

If an inmate is unable to meet the bail conditions, they must not be released from custody and their bail status will be recorded as *'bail granted – not met'*. An inmate may enter into bail at any time while being remanded in custody, unless their bail status is varied or their matters are finalised (such as they become bail refused, or their charges are dealt with before they enter the bail).

SMO will receive remand warrants, ensure OIMS accurately reflects its content and it has been uploaded to the digital warrant file (**refer to SA Manual section 2 Admissions and warrants**).

1.6 Sentence warrants

A Sentence Warrant is an order made by a court which authorises CSNSW to detain a person for a specified term of imprisonment. To be valid, a sentence warrant **must**:

- be addressed to CSNSW
- be signed by an authorised person
- direct CSNSW to detain the inmate
- include the person's name and date of birth
- include a reference/case number, court name and date of issue
- give a commencement date of each sentence and if applicable, a non-parole period (NPP)
- give the length of the sentence and its expiry date. The expiry date on the sentence warrants must be a future date if an inmate is to be detained in custody on the warrant. However, this does not apply if the inmate has been sentenced to a period that is over three years. In these cases, the State Parole Authority (SPA) must authorise the release of the inmate even if the NPP has expired. The inmate must return to the correctional centre to await a hearing before SPA and subsequent release authorisation.

Warrants for sentences under Commonwealth laws are issued in a similar format and include the same details contained in a sentence warrant issued in NSW. Further information on sentence warrants and errors can be found in the **SA Manual section 2 Admissions and warrants and section 3 Orders and detainers**.

1.7 Revocation of parole warrants

If an inmate has been released to parole and fails to comply with the conditions of the parole order, the SPA may revoke their parole and issue a revocation, balance of parole (BOP) warrant for their arrest and imprisonment.

OIMS will show that the inmate is currently booked into the BOP caseload if a warrant has been issued (**refer to SA Manual section 3 Orders and detainers**).

A BOP warrant must:

- include the inmate's name, date of birth and MIN
- be signed by an authorised person
- provide a sentence term.

A commencement date will not be recorded on the warrant, however, the time to serve will be calculated based on the date the inmate is admitted into custody, the time the police executed the warrant, the date of revocation, or any other date determined by SPA.

An inmate must not be released from custody if they have a current and valid BOP warrant (**refer to SA Manual section 3 Orders and detainers**).

1.8 Balances of home detention and intensive correction orders

SPA can revoke an order imposed by the court for a Reintegration Home Detention or Intensive Correction Order.

SPA will issue a warrant, which appears in a similar format to a BOP warrant. Unless SPA issue a further order the inmate must serve the remainder of the sentence in CSNSW custody (**refer to SA Manual section 3 Orders and detainers**).

1.9 Immigration hold orders

The Department of Home Affairs (DHA) can issue a request for officer to hold in immigration detention under the *Migration Act 1958 (Commonwealth)* for a person it believes is an unlawful non-citizen to be detained in custody (**refer to SA Manual section 2 Admissions and warrants and section 3 Orders and detainers (Warrants)**).

An Immigration Hold order must be signed by an immigration officer to authorise the inmate's detention until other arrangements are made for them to be transferred into the Immigration Detention Network (or deported from Australia) after the expiry of a sentence or orders.

If an inmate is received into a court or police cell with a Do Not Release (DNR) form due to an Immigration Hold, and the inmate is otherwise eligible for release following their appearance in court, CESU officers must contact the DHA to determine if the inmate will be collected for detention in DHA custody or deportation (**refer to COPP section 23 Release of inmates and SA Manual section 6 Release of inmates**).

The DHA may cease an Immigration hold order at which time the inmate is released. Corrections Corporate Support Unit (CCSU) coordinates approval for custody of unlawful non-citizen's (that do not have any other detention orders).

1.10 Forensic patients

Forensic patients can be received into custody under the *Mental Health and Cognitive Impairment Forensic Provisions Act 2020* and the *Mental Health Act 2007*, which allows for the detention and sentencing of individuals found to be mentally ill or unfit to be tried, or subject to an interim or final order extending a person's forensic status under Part 6 of the *Mental Health and Cognitive Impairment Forensic Provisions Act 2020*.

The court may also issue the following orders:

- Interim Extension Order (IEO) which is an interim order issued under section 130 of the *Mental Health and Cognitive Impairment Forensic Provisions Act*

2020 extending a person's status as a forensic patient who is subject to a limiting term or an existing extension order.

- Extension Order is an order issued under section 121 of the *Mental Health and Forensic Provisions Act 1990* extending a person's status as a forensic patient who is subject to a limiting term or an existing extension order.

Receiving officers must advise JH&FMHN immediately if a forensic patient is received into custody. JH&FMHN is responsible for the medical management of the forensic patient.

The provisions of the *Mental Health and Cognitive Impairment Forensic Provisions Act 2020* are highly complex, therefore if any doubt exists over the legality of detention at the time of reception, the matter is to be referred to the Sentence Management , Senior Project Officer (Forensic Liaison) at mhorders@dcj.nsw.gov.au. Further information can also be found in the [Mental Health Orders -Sentence Administration Procedures for Forensic and Correctional Patients](#).

1.11 High risk offenders

The court may also issue orders related to the detainment of high risk offenders under the *Crimes (High Risk Offenders) Act 2006*, these may include an:

- Interim Detention Order (IDO) allows an inmate to be detained for up to 28 days, and can be renewed from time to time for a period totalling not more than 3 months
- Emergency Detention Order (EDO) allows an inmate to be detained for up to 120 hours (5 days)
- Continuing Detention Order (CDO) allows an inmate to be detained for up to 5 years.

1.12 Juvenile warrants and orders

A Juvenile offender may only be detained in CSNSW custody if:

- a revocation of parole is issued by the Children's Court where the inmate is 18 years of age or over, or
- on arrest of an person 18 years of age or over for: breach of good behaviour bond, breach of probation, breach of community service order, revocation of parole, escape lawful custody, under section 9A of the *Children (Detention Centres) Act 1987*
- *If the inmate, 18 years or over, has been held for a period of more than 4 weeks in total in a correctional centre, or*
- an order has been transferred under section 28 of the *Children (Detention Centres) Act 1987*.

Warrants or orders issued for the above reasons, except for revocation of parole, usually require the inmate to be brought before the next available sitting of the Children's Court. As these inmates generally would be received at a court cell complex, the Officer in Charge of the complex must arrange for the inmate's attendance at the relevant court

The result of the court hearing will determine the further placement of the inmate. If the matter is adjourned to a Children's Court, the inmate must be transferred to Juvenile Justice.

A person under the age of 18 must not be received into CSNSW custody without a section 28 order, and the relevant warrant issued by the court. Persons over 21 years of age who are arrested on a warrant may be received into court or police cells without any additional order being made.

Legislation that allows for juvenile inmates to be detained in CSNSW custody includes:

- **Section 28** of the *Children (Detention Centres) Act 1987* which allows for detainees over 18 (older detainee) to be transferred from a detention centre to a correctional centre on an order made under this section by the Executive Director of Juvenile Justice with the consent of the Commissioner of Corrective Services NSW (the Commissioner)
- **Section 28A** of the *Children (Detention Centres) Act 1987* which allows for the Children's Court to make an order committing a juvenile to a correctional centre for a period of remand
- **Section 28B** of the *Children (Detention Centres) Act 1987* which allows for the Children's Court to make an order committing a person to a correctional centre in relation to a control order if the juvenile detainee has been convicted of a detention centre offence

All orders pursuant to Sections 28, 28A or 28B **must not** be acted on until Ministerial (Corrective Services and Juvenile Justice) approval of the appropriate order is received.

- **Section 41C(2)** of the *Crimes (Administration of Sentences) Act 1999* allows for inmates under the age of 21 to be transferred from Juvenile correctional centres to a correctional centre under an order made by the Minister if it is recommended by the Commissioner under section 23 of the *Crimes (Administration of Sentences) Act 1999*
- **Section 19** of the *Children (Criminal Proceedings) Act 1987* allows for a sentence of imprisonment to be served in juvenile custody for a person under 21 years of age. A separate order under section 28 is required for them to be transferred into CSNSW custody. If an order is not made under section 19, the inmate will serve their sentence in CSNSW custody. If the person is over 21 years of age, the court may order for the inmate to remain in juvenile custody if their sentence or NPP expires within 6 months of the person turning 21 years of age.

A Children's Court Warrant of Adjournment (Remand Warrant) is not a detainer for adult custody; however it may be used for an inmate to attend court only if in custody on other matters.

Further information regarding the detainment of juvenile inmates can be found in the **SA Manual, section 3 – Orders and detainers.**

1.13 Interstate transfers

Inmates may be received into custody if an order is issued under the *Prisoners (Interstate Transfers) Act 1982*. Certified copies of the detainers must accompany any inmate with the order for transfer, and must be provided to SMO Lodgements/Processing Unit by email to ssa@dcj.nsw.gov.au for their sentences to be recalculated.

SMO at the correctional centre should be advised if an inmate is received under the Act and copies of all detainers/warrants and associated documents forwarded to the by email to the Correctional Centre's SMO Unit and SMO's Lodgement/Processing Unit (ssa@dcj.nsw.gov.au).

On admission to NSW, the sentences from the other States or Territories are deemed to have been imposed in NSW.

1.14 International transfers

Australian permanent residents and citizens convicted and sentenced overseas may also apply to serve their sentences in NSW under the *International Transfer of Prisoners Act (1997)*. Where these inmates are received the Correctional Centre's SMO unit and SMO's Lodgements/Processes Unit (ssa@dcj.nsw.gov.au) must be advised (**refer to COPP section 19.3 Costed escorts**).

On admission, the inmate becomes a federal inmate and the sentences are deemed to be a federal sentence of imprisonment. The Commonwealth Attorney-General is responsible for reviewing the inmate's eligibility for parole, where relevant.

1.15 Civil inmates

A court may issue a warrant ordering a person to be detained in CSNSW custody for reasons other than criminal matters, such as contempt of court, family law matters or for bankruptcy proceedings.

All orders must be checked to ensure that the detainer is valid, including that:

- it is addressed to the Governor of a correctional centre
- it is signed by an authorised officer of the court
- it indicates the term that the person is to be held.

Governors or the OIC of a correctional centre should be advised if a civil inmate is received into custody.

In respect of contempt of court matters, inmates may be able to "purge" their contempt by indicating in writing they are prepared to follow the court order(s) in question. If an inmate provides written instructions that they are prepared to comply, the court must be advised without delay. The court will then arrange for the inmate to be returned to the court for adjudication of the matter.

2 Do not release

2.1 Policy

A Do Not Release (DNR) is a notification that an inmate **must not be released** because of separate and additional detainer(s) that require them to be detained in CSNSW custody. SMO staff will provide a DNR form:

- once a lodgement form has been sent as part of the reception process for new inmates received into police or court cells (**refer to COPP section 1.1 Reception procedures**), or
- for inmates appearing at court in person from a correctional centre.

An inmate who has a DNR status must be held in custody, unless alternative advice is provided by SMO.

A DNR status must be identified and confirmed to ensure that inmates are not erroneously released if they have further matters that require them to be detained in custody. For example, an inmate may be eligible for release on matters that have been finalised by the court on the day of their appearance, however, they must be detained in custody until the separate or additional warrant(s) or detainer(s) recorded in the DNR form have been finalised by the court.

Inmates with a DNR status may be eligible for release if they appear on all outstanding matters in the separate warrant(s) or detainer(s). This may occur if all outstanding matters in the separate warrant(s) or detainer(s) have been brought forward by the court and are finalised on the day. In these cases, contact should be made with the relevant SMO unit from the correctional centre to seek advice and clarification before any release process is undertaken.

2.2 Procedure

	Procedure	Responsibility
1.	Identify and confirm DNR status for inmate.	Receiving officer (Police/court cell staff)
2.	Confirm if inmate is to be returned to the correctional centre or is eligible for release following their court appearance. If the inmate remains a DNR, a copy of the original DNR form and/or <i>Court Result Sheet</i> must be completed and provided to reception when the inmate is received back into the correctional centre.	Receiving officer (Police/court cell staff)
3.	Confirm with SMO staff from the correctional centre prior to any release of a DNR inmate.	OIC

	Procedure	Responsibility
4.	Obtain written advice and a release checklist from SMO staff if the inmate is eligible for release (refer to COPP section 23.1 Releases from police or court cells, 23.2 Releases from correctional centres, and SA Manual section 4 Movements & schedules).	Receiving officer (Police/court cell staff)

3 Appeal and bail information

3.1 Policy

Inmates must be advised of their right to appeal against their sentences and convictions, and that they may make an application for bail. The Inmate Handbook provided to inmates on reception includes information on appeal and bail applications (**refer to COPP section 20.2 Court matters and SA Manual section 5 Inmate applications**).

Inmates must also be provided with the appropriate form(s) on which to make an appeal or bail application, if requested. Inmates should be referred to Services and Programs Officer (SAPO) if they require assistance to complete these applications.

If an inmate's charges are dismissed on appeal, or the inmate is granted bail that can be met and they have no further detainers, their release must be processed without delay (**refer to COPP section 23.1 Releases from police or court cells, 23.2 Releases from correctional centres and SA Manual section 6 Release of inmates**).

3.2 Procedures

	Procedure	Responsibility
1.	Advise inmate of their right to appeal or make a bail application.	Reception/intake staff
2.	Provide appropriate application forms, if requested.	Reception/intake staff
3.	Refer inmate to SAPO if they require assistance with completing the application form(s).	Reception/intake staff
4.	Provide application to SMO for processing once completed.	Reception/intake staff

4 Quick links

- [Related COPP](#)
- [Forms and annexures](#)
- [Related documents](#)

5 Definitions

Bail	Bail can be granted under the <i>Bail Act 2013</i> to allow conditional liberty.
Revocation Warrant	Is a Balance of Parole, Periodic, or Home Detention and Intensive Corrections Order, issued by the State Parole Authority. This is an imprisonment warrant to serve the remainder of the calculated period in custody.
Bonds	<p>A Bond is a court order imposed under sections 9, 10 11 or 12 of the <i>Crimes (Sentencing Procedure) Act 1999</i>.</p> <p>These orders are non-custodial orders, and include a condition of good behaviour for a specified period of time. Additional conditions may also be listed on the bond, such as reporting to the Community Corrections and/or attending for treatment programs.</p>
CCSU	Corrections Corporate Support Unit
CDO	Continuing Detention Order is an order issued by the Supreme Court to detain a High Risk Inmate.
CESU	Court Escort Security Unit is responsible for the Transportation of Inmates and Management of some Cell locations.
Civil inmate	An inmate being detained in respect of matters other than criminal charges, e.g. contempt of court or bankruptcy matters.
COPP	Custodial Operations Policy and Procedures
Correctional patient	A correctional patient is defined under section 41 of the <i>Mental Health (Forensic Provisions) Act 1990</i> as a person (other than a forensic patient) who has been transferred from a correctional centre to a mental health facility while serving a sentence of imprisonment, or while on remand, and who has not been classified by the Mental Health Review Tribunal as an involuntary patient.
CRS	A Court Result Sheet is used by CSNSW staff to record the result of the Court Appearance.
CSNSW	Corrective Services NSW
DIBP	Department of Immigration & Border Protection
DNR	Do Not Release is to advise staff that the inmate who is appearing in court, has other warrants or detainers that require them to remain in CSNSW custody.

	These inmates must not be released unless advised by State Sentence Administration staff.
EDO	Emergency Detention Order is an order issued by the Supreme Court to detain a High Risk Inmate.
Fixed-term sentence	A term of imprisonment (sentence) which does not have a non-parole period or a Recognizance Release Order.
Forensic patient	An inmate who is detained under the <i>Mental Health Act 1990</i> .
ICO	Intensive Correction Order is an order made by the court in lieu of imprisonment and is managed by Community Corrections.
IDO	Interim Detention Order is an order made by the Supreme Court to detain a High Risk Inmate in custody for an interim period after the expiration of all other Custodial orders.
Immigration hold	An order issued by the Department of Immigration and Border Protection under the <i>Migration Act 1958</i> .
IEO	Interim Extension Order
JH&FMHN	Justice Health & Forensic Mental Health Network
MIN	Master Index Number is the number used in OIMS to identify an inmate.
Non-parole period	This refers to the minimum period an inmate must serve in custody before eligible for release on parole. In cases of sentences of three (3) years or less, an inmate's release is automatic at the expiration of the non-parole period. In cases where sentences exceed three (3) years, release is not automatic and must be considered by the State Parole Authority.
OIMS	The Offender Integrated Management System is the CSNSW database used to manage the records of all inmates.
Older detainee	Means a detainee who is of or above the age of 16 years, under section 3 of the <i>Children (Detention Centres) Act 1987</i> .
PBRNM	Police Bail Refused/Not Met is the status provided by NSW Police when transferring an inmate into CSNSW custody to facilitate a court appearance.
Parole	Parole is the portion of an inmate's sentence that is served in the Community. It may have conditions associated and may require supervision by Community Corrections.
Remand inmate	A remand inmate is one who is detained in CSNSW custody to facilitate a future court appearance, however is not currently serving a custodial sentence.

Recognizance Release Order	<p>A Recognizance Release Order is issued under the <i>Crimes Act (1914) (Commonwealth)</i>. It requires the inmate to be of good behaviour during a specified time period.</p> <p>A Recognizance Release Order may not commence until after the inmate has served a portion of his or her sentence in custody (just like parole). In other instances, a Recognizance Release Order may suspend the entire Sentence.</p>
SAPO	Services & Programs Officer
SA Manual	The Sentence Administration Manual contains the procedures that support CSNSW's statutory responsibilities regarding the detention of inmates and the administration of orders made by a court or other authority.
SMO	Sentence Management Operations
SPA	State Parole Authority is responsible for granting and revoking parole, and for the revocation of Intensive Correction, Home Detention, or Periodic Detention Orders.
State Parole Authority Revocations	State Parole Authority may issue a revocation order following a breach of parole, home detention, periodic detention order or Intensive Corrections Order.
Trial Grounds Transfer	An inmate transfer to another Australian State or Territory to face charges pending in that State or Territory.
Warrant	An order issued by a Court or Authority to apprehend and/or detain a person in accordance with the directions included in the warrant.
Welfare Grounds Transfer	Inmate seeking transfer to be closer to family, etc. in another State or Territory of Australia.
International Transfer	Transfers under the International Prisoner Transfer agreement for prisoners to transfer to their home country.

6 Document information

Business centre:	Custodial Operations	
Approver:	Kevin Corcoran	
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Version	Date	Reason for amendment
1.0		Initial publication (<i>Replaces section 10.1.1, 10.1.1.1, 10.1.1.2, 10.1.1.3, 10.1.2, 10.1.2.1, 10.1.2.4, 10.1.2.5, 10.1.2.6, 10.1.2.7, 10.1.2.8, 10.2.5.4, of the superseded Operations Procedures Manual</i>)
1.1	14/01/20	Addition of part 1.4 <i>Change of court appearance type</i>
1.2	12/03/20	General formatting update and improvements
1.3	09/06/21	Amended following the establishment of SMO Lodgements Processing Unit – refer ACCC memo 2021/10 Amended at 1.10 <i>Forensic patients</i> to reflect changes to legislation.
1.4	28/01/22	Updated to incorporate the introduction of Digital Inmate Warrant Files – refer to Commissioners memorandum 2022/03 <i>Transition to Digital Inmate Warrant Files</i> .
1.5	16/01/23	Amendment to 1.3 <i>Court result sheet</i> to clarify that inmates are able to be transported and admitted to Correctional Centres and 24 Hour cells locations using a CRS without the need for the physical warrant or detainer, but only on the day of the court appearance.
1.6	15/08/23	Updates in line with CSNSW restructure: deletion of reference to S&I; renaming of Sentence Administration Corporate (SAC) to Corrections Corporate Support Unit (CCSU); and renaming of State Sentence Administration (SSA) to Sentence Management Operations (SMO).