

Custodial Operations Policy and Procedures

9.3 Application for compassionate leave

Policy summary

An inmate may attend a funeral, visit a seriously ill family member, or attend other events of family or cultural significance if compassionate leave is granted.

If the leave is not granted, the inmate may be approved to attend via Audio Visual Link (AVL). AVL attendance should only be approved after full consideration has been given to the ability of the inmate to attend in person.

An inmate must be informed that they may apply for compassionate leave, which may be approved or declined by the Commissioner of Corrective Services (or a Commissioners' delegated officer).

The Commissioner (or delegated officer) is not obliged to approve any request for compassionate leave, and approval may be revoked at any time.

Management of Public Correctional Centres Service Specifications

Service specifications	<p>Decency and respect</p> <p>Professionalism and accountability</p> <p>Rehabilitation and reintegration</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 Corrective Services NSW (CSNSW).

It also applies to all CSNSW employees, and where relevant to other personnel such as, Justice Health & Forensic Mental Health Network (JH&FMHN), contractors, subcontractors, and visitors.

Table of contents

1	Application for compassionate leave	4
1.1	Policy	4
1.2	Aboriginal inmates	5
1.3	Procedure for notification of death or serious illness	5
2	Completing applications for compassionate leave	6
2.1	Procedure for SAPO	6
2.2	Procedure for intelligence officer	6
2.3	Procedure for assessing officer	7
2.4	Procedure for approving officer	8
2.5	Procedure for records	9
3	Appearance via AVL	9
3.1	Policy	9
3.2	Procedures	10
3.3	Termination of AVL appearance	12
4	Quick links	12
5	Definitions	13
6	Document information	15

1 Application for compassionate leave

1.1 Policy

Inmates must be informed that they may apply for a local or interstate leave permit for compassionate reasons to:

- visit an immediate family member who is seriously ill
- attend a funeral service or burial of an immediate family member
- attend the funeral service or burial of an extended family member where special kinship or cultural obligations have been verified and confirmed
- attend an event of family or cultural significance.

The Governor or Manager of Security (MOS) in charge of a correctional centre must be advised of the death or serious illness of an inmate's immediate or extended family member, when it becomes known to an officer or staff member (e.g. Manager of Offender Service and Programs (MOSP) or Senior Services and Programs Officer (SAPO)).

If the inmate is at risk of suicide or self-harm, they must be managed according to the policies and procedures in **COPP section 3.7 Management of inmates at risk of self-harm or suicide**.

Under the *Crimes (Administration of Sentences) Act 1999*, the Commissioner of Corrective Services (or a Commissioner's delegate) may issue a local leave permit or interstate leave permit (**refer to COPP section 19.2 Movement orders and permits**). Governors or MOSs in charge should refer any request received by an inmate for interstate compassionate leave to their Director, Custodial Corrections.

An application for compassionate leave must be in writing in an *Application for leave permit* form, which can be completed electronically or manually.

All information known at the time of making the application should be included. If an application is made, staff must process it in a timely manner. An auditable record must be maintained for each application.

Approval of leave will be subject to:

- the completeness of the application (all subsections must be completed)
- the circumstances of the request (including any exceptional circumstances) For example:
 - Family or friends may not want an inmate to attend because of the circumstances of their crimes and whether victims will be present,
 - Apprehended Violence Orders (AVOs) may be in place
 - For Audio Video Link (AVL), persons in attendance may not wish to be filmed
- the logistics of providing an escort (or AVL)
- any known security risks.

A local leave or interstate leave permit may be revoked at any time by an officer delegated by the Commissioner to do so under section 26(2)(i) or section 31 (a)-(c).

The [Commissioner's Instrument of Delegation](#) provides full details of all officers delegated by the Commissioner to approve, vary or omit conditions of, substitute or add new conditions to, or revoke leave permits.

Applications for a leave permit by Extreme High Security (EHS), Extreme Risk Restricted (EHRR), AA, Cat 5 and National Security Interest (NSI) must be referred to the Assistant Commissioner, Security and Intelligence (AC S&I) for review and approval. All procedures related to the escort or management of these inmates must be in accordance with **COPP section 3.5 HS, EHS, EHRR, NSI, AA and Cat 5**.

1.2 Aboriginal inmates

Aboriginal inmates may request leave to attend a funeral or burial service for an immediate or extended family member where special kinship or cultural obligations have been verified.

The definition and role of extended family is based on kinship for Aboriginal inmates. For the purposes of this policy, extended family must be considered the same as immediate family for Aboriginal inmates.

The Aboriginal Strategy and Policy Unit (ASPU), Regional Aboriginal Program Officer (RAPO) and Aboriginal Services and Programs Officer (SAPO) may assist with verifying kinship relationships for Aboriginal inmates.

1.3 Procedure for notification of death or serious illness

	Procedure	Responsibility
1.	Inform Governor/OIC (or authorised officer) of the death or serious illness of any immediate or extended family member for an inmate.	Any officer/ Staff
2.	Inform inmate of serious illness of death of any immediate or extended family member and inform the Manager, Offender Services and Programs (MOSP).	Governor/OIC MOS/ Authorised officer
3.	Arrange for SAPO to immediately communicate with the inmate.	MOSP/Senior SAPO
4.	Advise inmate that they may apply for a leave permit.	SAPO
5.	As required and when appropriate, refer: <ul style="list-style-type: none"> inmate to Psychology staff for counselling intervention, and/or Aboriginal inmates to a RAPO/Aboriginal SAPO for cultural support and family contact, and/or Inmate to Chaplain for support services. 	SAPO

2 Completing applications for compassionate leave

2.1 Procedure for SAPO

	Procedure	Responsibility
1.	Complete parts 1 and 2 of the <i>Application for leave permit</i> form if an inmate makes a request.	SAPO
2.	Verify information provided by the inmate. A translator must be provided for any inmate that has difficulty speaking or writing in English (refer to COPP section 11.1 Language services).	SAPO
3.	Confirm special kinship relationships and/or cultural obligations. For Aboriginal inmate, seek advice from the Regional Aboriginal Programs Officer (RAPO) and/or the Aboriginal Strategy and Policy Unit (ASPU). The inmate must show that a special kinship and/or cultural obligation exists if it is included in the application.	SAPO/ RAPO/ ASPU
4.	Refer to OIMS alerts for AVOs and victims of inmate.	SAPO
5.	Contact an immediate family member (or other appropriate person) in the community, and confirm if there are any objections to the inmate's attendance in person or via AVL by any persons who will be present at the location. If a SAPO is not available (e.g. on weekends), a Functional Manager or authorised officer may complete this task.	SAPO/ Authorised officer
6.	Forward the application form to the intelligence officer, or authorised officer (if an intelligence officer is not on duty).	SAPO

2.2 Procedure for intelligence officer

	Procedure	Responsibility
1.	Complete part 3 of the application form. An authorised officer may be approved to complete this if the intelligence officer is absent. The authorised officer must be an approved IIS user.	Intelligence officer/ Authorised officer
2.	Check OIMS and records for: <ul style="list-style-type: none"> inmate's offence history and any Apprehended Violence Orders (AVO) any past or current offences and those involving children and others that may be attending child protection alerts Review OIMS information, IIS and intelligence holdings 	Intelligence officer/ Authorised officer

	Procedure	Responsibility
	<ul style="list-style-type: none"> Review OTS calls if required Review incoming / outgoing mail Confirm names of victims AVO Person in need of Protection (PINOP) Assess veracity of kinship/family connection Seek further information from CIG (if necessary) <p>Record this information on the application.</p> <p>If clarification of child protection issues is required, contact the CSNSW Child Protection Coordination and Support unit on (02) 8346 1008, (02) 8346 1009 or by email to child.protection@dcj.nsw.gov.au.</p>	
3.	<p>Contact local police in the proposed location for the escort and seek information about whether they are aware of any objections to the inmate's attendance per the application to attend.</p> <p>Record police response and any local intelligence in part 3 that may impact on the inmate's attendance on the application.</p>	Intelligence officer/ Authorised officer
4.	Immediately forward the completed application to the assessing officer.	Intelligence officer/ Authorised officer

2.3 Procedure for assessing officer

The Manager of Security (MOS)/Functional Manager (FM) (or authorised officer) must assess every application for a local leave permit.

	Procedure	Responsibility
1.	<p>Check that all sections of the application form have been completed.</p> <p>If the intelligence section has not been completed, it must not be considered, and returned to the intelligence officer to be completed.</p>	Assessing officer
2.	<p>Review and assess the application, taking into account:</p> <ul style="list-style-type: none"> previous escape history offence type and history outstanding charges length of sentence all known security risks all known adverse information or intelligence any objections by the inmate's family to the inmate's attendance any objections by local police any AVOs or interstate protection orders (if event is interstate) logistical issues (including cost of escort) 	Assessing officer

	Procedure	Responsibility
	<ul style="list-style-type: none"> any other relevant issue <p>Only after the above factors have been assessed, and leave has been denied, should an assessment of the suitability of AVL facilities be conducted.</p>	
3.	Decide whether to support application and recommend special conditions (if necessary). Provide a summary of operational difficulties/security risks and any other relevant information on the application.	Assessing officer
4.	<p>Forward the application and any accompanying documents to the approving officer.</p> <p>If an application is submitted on a weekend/public holiday and it is urgent, the relevant approving officer must be informed as soon as possible. In these circumstances, the approving officer may give a decision over the telephone, which must:</p> <ul style="list-style-type: none"> be recorded on the application form include the name of the approving officer include the time and date the decision was made. 	Assessing officer
5.	<p>Inform the inmate once a decision by the approving officer has been made.</p> <p>If the application is not approved the inmate must be allowed to telephone their family (unless there are circumstances preventing this, such as an AVO which does not permit contact with the family (refer to COPP section 20.1 AVOs)). These phone calls should be monitored in real time due to the heightened risk of threats to family or self-harm. Other services may be offered such as chaplaincy or psychology.</p>	Assessing officer

2.4 Procedure for approving officer

The Governor or MOS may approve an *application for leave permit*, and if the application is denied, consider approving AVL. However, applications by EHS, EHRR, Cat 5, AA and NSI inmates must be referred to the AC S&I for approval.

	Procedure	Responsibility
1.	<p>Review and assess the application form, taking into account:</p> <ul style="list-style-type: none"> the recommendations made by the assessing officer all information included in the application any documentation accompanying the application. 	Approving officer
2.	Seek additional information or intelligence from the Corrections Intelligence Group (CIG) or other intelligence sources before the application is determined, if necessary.	Approving officer

	Procedure	Responsibility
3.	Record a decision on the application form, and provide the decision to the assessing officer for actioning. If the Governor (or MOS in charge) is not the approving officer (where another delegate of the Commissioner approves), the decision must be forwarded to the correctional centre.	Approving officer
4.	If the application for leave permit is approved, issue the relevant leave permit. A leave permit is not required if the inmate is attending via AVL. An authorised officer may issue a local leave permit in the absence of the approving officer, if it has been approved. However, the approving officer must countersign the local leave permit on their return to duty.	Commissioner's delegate (this may be the approving officer if the approving officer is delegated to issue permit)

2.5 Procedure for records

The Governor of each correctional centre, or the approving officer (if not the Governor of the correctional centre) must ensure auditable records are maintained for the receipt, decision and transmission of applications.

	Procedure	Responsibility
1.	Record the following auditable details: <ul style="list-style-type: none"> the date the application was received the applicant's name the applicant's MIN the date(s) of the proposed leave / AVL whether the application was supported by the assessing officer the date the application was sent to the approving officer Case notes are entered into OIMS (must not name victims, third party information or otherwise non-disclosable information) the result of the application (approved/not approved) and the date of the decision the cost of the escort (if applicable). 	Governor / MOS in charge/ Approving officer (other Commissioner's delegate)

3 Appearance via AVL

3.1 Policy

If local or interstate leave is not approved, the Commissioner's delegate may consider whether to pre-approve appearance via AVL. The Commissioner's delegate may only consider AVL when compassionate leave would otherwise not have been granted or if the inmate expresses a preference to attend via AVL.

Inmates should only be denied compassionate leave when there is a clear and substantiated legal, security or logistical issue. AVL should never be approved because AVL appearance is more cost effective for CSNSW.

When attendance is to be facilitated by AVL, the VCA must ensure that AVL facilities are available at the required location. If facilities are unavailable at that location, the JUST Connect Service Support team must be contacted on (02) 8759 0010 or JUSTconnect@dcj.nsw.gov.au. JUST Connect may be able to arrange a remote AVL at that location. The inmate will be unable to participate when remote AVL facilities cannot be arranged.

An AVL risk assessment must be undertaken by an officer authorised by the Governor (or Manager of Security in charge) that takes into consideration:

- The location of the AVL
- The classification and designation of the inmate
- Whether the inmate is a sex offender or on the Child Protection Register (CPR)
- The persons who will be present at the location of the AVL (e.g. whether the inmate may have contact with a co-accused in an investigation or court proceedings)
- The person who will operate the device used for AVL at the location (e.g. whether that person is on the CPR)
- Whether there are any objections to the inmate attending the event via AVL

As a result of the risk assessment, the AVL may be denied or special conditions applied. Special conditions include:

- the inmate’s microphone and/or camera may be turned off so that they cannot communicate with people at the location
- no filming of children (for sex offenders or inmate’s on the Child Protection Register (CPR))
- only certain persons approved to operate the equipment used for the AVL at the AVL location
- any other appropriate condition

3.2 Procedures

	Procedure	Responsibility
1.	<p>If appearance via AVL is pre-approved, complete part 6 of the <i>Application for leave permit</i>. Undertake OIMS checks for contact/s or other attendees and a risk assessment.</p> <p>If the OIMS checks and/or risk assessment raises no concerns, forward the <i>Application for leave permit</i> to the OIC in the Video Conferencing Area (VCA). Proceed to step [3].</p> <p>If risk assessment and OIMS checks on the contact/s or other attendees raises concerns, forward the form to the Governor for final approval.</p>	Authorised officer

	Procedure	Responsibility
2.	Decide whether to finally approve the AVL attendance and decide whether to apply special conditions. Forward the form to the OIC in the nearest VCA and JUSTconnect@dcj.nsw.gov.au .	Governor/ MOS in charge/ OIC/ delegate
3.	<p>Contact the proposed primary contact and:</p> <ul style="list-style-type: none"> • obtain VIN of primary contact. If the person does not have a VIN, instruct the person to contact the VRU by email at visits.reviewunit@dcj.nsw.gov.au or 8737 5085 or 8737 5084 • ask the family member/contact person if AVL facilities are available at the location. <p>If AVL facilities are available at the location:</p> <ul style="list-style-type: none"> • Contact JUST Connect to schedule and book a time for the AVL • JUST Connect will provide a Virtual Meeting Room (VMR) number to enable connection <p>Proceed to step [5].</p>	OIC, VCA
4.	<p>If AVL facilities are not available at the location: Contact family members and:</p> <ul style="list-style-type: none"> • confirm the time and ensure the host has sufficient equipment, bandwidth and credit to facilitate the visit • provide the primary person with material and support to enable them to use their equipment to connect to the AVL • schedule and book the appointment • provide VMR number to enable participants to connect • Explain to the primary person the conduct and behaviour that will result in a termination of the AVL. 	JUST Connect Service Support team
5.	Request family members to test connection to the VMR prior to the visit commencing.	VCA
6.	Ensure the inmate is brought to the AVL suite location at the allocated time.	Governor (or MOS in charge) of inmate's correctional centre
7.	Explain to the inmate the conduct and behaviour that will result in a termination of the AVL.	VCA
8.	At the allocated time, connect to the conference through AVL using VMR number provided.	VCA

	Procedure	Responsibility
9.	Confirm contacts/family are identified in line with the bookings on the JUST Connect system, including their: <ul style="list-style-type: none"> names dates of birth. 	OIC, VCA
10.	Supervise the FVC.	OIC, VCA
11.	Record the FVC in the OIMS <i>Visits module</i> on completion and create appropriate case notes.	OIC, VCA

3.3 Termination of AVL appearance

The OIC, VCA may terminate the AVL appearance if any unacceptable behaviour occurs by either the inmate, the primary contact or other attendees such as of a sexual nature, verbal abuse or threats. Other reasons that an AVL may be terminated include if there is an objection raised by another attendee, any criminal behaviour occurs, drug use, alcohol use, attempts to convey messages that cannot be monitored or any condition of the AVL being breached.

If this occurs, the OIC, VCA must inform the Manager of Security (MOS) or Functional Manager (Security) and record in OIMS – Incident Report Module (IRM).

4 Quick links

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

5 Definitions

Approving officer	An officer delegated by the Commissioner to approve an inmate's application to attend a funeral or an event of family or cultural significance, for the purposes of this policy. A full list of delegated officers is available in the current Corrective Services NSW Operational Delegations.
ASPU	Aboriginal Strategy and Policy Unit
AVL	AVL facilities enable real time audio and visual communication between persons at different places, e.g. communication between the court house and a designated correctional centre. Video Conferences and scheduled telephone conferences are facilitated via AVL.
Approved IIS User	A person approved by CIG to use the Integrated Intelligence System (IIS)
Assessing officer	The Manager of Security or Functional Manager at the correctional centre, or an officer authorised by the Governor (or MOS in charge), for the purposes of this policy.
Authorised officer	The officer authorised by the Governor (or MOS in charge) to perform the functions set out in this part of the Custodial Operations Policy and Procedures.
AVO	Apprehended Violence Order
CESU	Court Escort Security Unit
COPP	Custodial Operations Policy and Procedures
CIG	Corrections Intelligence Group
CSNSW	Corrective Services NSW
EHRR	Extreme High Risk Restricted
EHS	Extreme High Security
Exceptional circumstances	Exceptional circumstances would include unique circumstances beyond other definitions, which may vary for each request, for the purposes of this policy. Any application claiming 'exceptional circumstance' must be processed according to the procedures specified in this policy, including intelligence and security risk assessments.
Extended family	The definition and role of extended family is based on kinship for Aboriginal inmates. For the purposes of this policy, extended family must be considered the same as immediate family for Aboriginal inmates.
FM	Functional Manager

Funeral service	A funeral service may include an interment. It does not include events or functions before or after a funeral and is limited to the place of worship and/or interment.
Immediate family	<p>Immediate family members include an inmate's:</p> <ul style="list-style-type: none"> • spouse • de facto partner • father • mother • brothers • sisters • half siblings • children • stepchildren. <p>Immediate family members may also include people who can demonstrate a significant relationship with an inmate in a parenting or primary carer role, such as:</p> <ul style="list-style-type: none"> • step parents • foster parents/carers • primary carers • grandparents • aunts • uncles.
IIS	Integrated Intelligence System
JUST Connect	The Just Connect is used to book AVL for NSW Justice agencies and other participating organisations.
MOS	Manager of Security
MOSP	Manager, Offender Services and Programs
NSI	National Security Interest
Occasions of special family or cultural significance	<p>Occasions that may have intense meaning within a particular family, and may be of benefit in assisting an inmate enhance their relationship with their immediate or extended family members.</p> <p>Note that attending the birth of a child is not something that would ordinarily be approved, unless there are other exceptional circumstances such as a life threatening illness or injury to the mother or unborn child.</p>
OIMS	Offender Integrated Management System
RAPO	Regional Aboriginal Programs Officer
SAPO	Services and Programs Officer
VCA	Video Conference Area
VMR number	Number provided to participants in an AVL to enable connection

6 Document information

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