

## Custodial Operations Policy and Procedures

### 19.4 Air escorts

#### Policy summary

Escorts of inmates by air may be necessary for security reasons, or when distances are too great for escort by vehicle. This includes movements:

- to or from regional areas in NSW
- interstate and
- internationally

An inmate may be temporarily moved from a correctional centre to or from a regional area of NSW to attend court or police interview, to aid in the administration of justice or for other purposes.

An inmate may be temporarily moved from a correctional centre to another state or territory or temporarily into NSW from another state or territory for medical treatment, funerals or burial of family members or for some other compassionate purpose.

Interstate inmate transfers take place in line with the *Prisoners (Interstate Transfer) Act 1982* (NSW) and the corresponding legislation in the State/Territory that the inmate will be transferred to or from.

International inmate transfers take place in line with the *International Transfer of Prisoners Act 1997* (NSW) and the corresponding legislation in the nation that the inmate will be transferred to or from.

#### Management of Public Correctional Centres Service Specifications

Service specification	Safety and security
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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), and to all CSNSW employees.

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.

For Security & Intelligence (S&I) staff, this policy must be read in conjunction with S&I Local Operating Procedures (LOPs).

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# 1 Air escorts

## 1.1 Policy

For each air escort type (chartered, interstate, international) a different approval process is required. Follow the approval procedures for orders and permits in **COPP section 19.2 Movement orders** for chartered and interstate air escorts. For chartered (usually *section 26 Local leave permits*) and interstate flights (*section 29 Interstate leave permits*), approval is required from the Commissioner. Interstate leave will also require the consent of each jurisdiction's Attorney General. International escorts require the consent of the Minister responsible for Corrective Services, the Australian Commonwealth Attorney General and the Government of the foreign nation. For commercial flights, the airline must be informed that inmates will be travelling on the flight at the time of booking.

This policy must be read in conjunction with the:

- [Sentence Administration Manual](#) (*section 5.11 Applications for jurisdictional transfer*)
- [Inmate Classification and Placement Policy and Procedures](#) (*refer to part 4.15 Interstate transfer of inmates and 4.17 International transfer of inmates in the Initial Classification and Placement chapter*)

## 1.2 Requirements for dangerous and non-dangerous inmates

An airline must be advised if the transferring inmate travelling on a commercial flight is dangerous. An inmate is dangerous if:

- the inmate has been assessed (by CSNSW) as likely to attempt to commit an unlawful interference with aviation, or to attempt to escape during the air escort; or
- the transferring inmate has been charged with, or convicted of, an offence:
  - against a person or persons; or
  - involving actual or threatened damage to property; and
  - the offence is punishable by imprisonment for 5 years or more.

During an air escort (on the aircraft and at each airport), an inmate who has been assessed as dangerous must be escorted by at least two escort officers at all times (with at least one of the escorting officers being of the same sex as the inmate). Any exception or variation to this will require the Secretary of the Commonwealth agency responsible for aviation (the Secretary)'s written approval.

## 1.3 Maximum number of inmates on a flight

Where the number of escorted transferring inmates is more than two (2), at least one of whom is dangerous; the airline must apply to the Secretary for approval to carry in excess of two (2) transferring inmates on the same flight.

A limited exemption is available if three (3) or more transferring inmates from the same family are all undertaking the escorted travel. If none of these transferring inmates from the same family have been assessed as dangerous, the airline may agree to them being carried on the same flight.

**Note:** In cases where the number of escorted inmates would be more than 2, the airline must apply to the Secretary for approval to carry in excess of 2 persons in custody on the same flight;

## 1.4 General Procedures for Escorts

	Procedure	Responsibility
1.	Advise the airline at the time of booking that the proposed passenger is a person in custody and will be under escort by a correctional officer or other law enforcement officer.	Court Escort Security Unit (CESU) Coordinator
2.	Provide the airline with a completed <i>Notice of the proposed movement of a person in custody form</i> at least 48 hours before the intended flight, unless the airline agrees otherwise.  If the airline engaged has concerns about the proposed travel, they must outline their concerns in writing to CSNSW no less than 24 hours before the intended flight.	CESU Coordinator
3.	Arrive at the airport: <ul style="list-style-type: none"> <li>• one hour prior to the departure of a domestic flight and,</li> <li>• two hours prior to the departure of an international flight.</li> </ul>	Escort officers
4.	Sit alongside the inmate during flight.	Escort Officers
5.	Make sure the inmate does not consume any alcoholic beverages prior to boarding the aircraft or during the flight. Escort officers are also prohibited from consuming any alcoholic beverages during the escort.	Escort Officers
6.	Comply with all restrictions or directions from the airline operator or pilot-in-command of the aircraft.	Escort Officers

## 2 Chartered flights in NSW

### 2.1 Policy

CSNSW may charter flights to remote areas within NSW to facilitate inmate escorts for compassionate reasons. This is particularly relevant to indigenous inmates (**refer to COPP section 19.2 Movement orders**).

## 2.2 Procedure

	Procedure	Responsibility
1.	Submit report to the Executive Officer of the Commissioner's office outlining: <ul style="list-style-type: none"> <li>• inmate's security classification and recent conduct,</li> <li>• reason why a charter flight is necessary,</li> <li>• other transport alternatives that have been considered and reasons why they are not suitable,</li> <li>• costs involved, and</li> <li>• cost centre incurring the expense.</li> </ul>	Correctional Centre Governor
2.	Approve/not approve the chartered flight.	Commissioner of Corrective Services

## 3 Interstate escorts

### 3.1 Policy

Interstate transfers for compassionate reasons must have the consent of the relevant State/Territory Ministers of both the sending and receiving jurisdictions.

The consent of the Attorney General of both relevant states/territory is required when inmates are required as witnesses in legal proceedings interstate. The consent of the Commonwealth Attorney General is required where the inmate is to appear in court under the Commonwealth jurisdiction.

### 3.2 Procedures

	Procedure	Responsibility
1.	Notify CESU and supply the <i>Order of transfer</i> when an inmate is to be transferred interstate (whether to NSW from another state/territory or from NSW to another state/territory) on compassionate grounds.	State Sentence Administration (SSA)
2.	Notify CESU and supply the <i>Order of transfer</i> when an inmate is to be transferred interstate (whether to NSW from another state/territory or from NSW to another state/territory) for law enforcement purposes or to assist in the administration of justice.	Department of Communities and Justice Legal (DCJ Legal)
3.	Make all necessary arrangements for the escort including: <ul style="list-style-type: none"> <li>• flights</li> <li>• accommodation.</li> </ul>	CESU Coordinator/ CESU Manager of Security (MOS)
4.	Liaise with the interstate counterparts about the security arrangements for the transfer.	CESU Coordinator

	Procedure	Responsibility
5.	<p>Conduct a risk assessment to determine the security arrangements for the escort.</p> <p>Determine the number of officers required for the transfer if the inmate is being escorted from NSW.</p> <p>Contact interstate counterparts to confirm that officers from that jurisdiction will be at the interstate airport to accompany the inmate and CSNSW escort officers to the interstate correctional centre.</p>	CESU Coordinator
6.	<p>Notify the airline and airport authorities of the impending air escort. Ask for permission if additional security provisions will be required.</p>	CESU Coordinator
7.	<p>Provide transport for the CSNSW escort officers' return to the airport.</p>	Interstate jurisdiction
8.	<p>Arrange for CSNSW escort officers to meet the inmate and interstate escort officers at the NSW airport and escort them to the CSNSW correctional centre, if the inmate is to be transferred to CSNSW.</p>	CESU Coordinator
9.	<p>Provide transport for the interstate escort officers' return to the airport.</p>	CESU Coordinator

## 4 International escorts

### 4.1 Policy

The international transfer of an inmate to or from an Australian correctional jurisdiction requires the consent of both the Australian Commonwealth Attorney General and the government of the foreign nation. Such transfers take place under the *International Transfer of Prisoners Act 1997* (Cth) when Australia has a transfer arrangement in place with the foreign nation. If the inmate is or will be managed by CSNSW, the NSW Minister responsible for Corrective Services must also consent to the transfer.

The Commonwealth Transfer Prisoners Unit (CTPU) in the ACT will reimburse the NSW government for costs incurred for the international transfer of the inmate.

### 4.2 Procedures

	Procedure	Responsibility
1.	<p>Notify the CESU of the international transfer and supply the necessary documentation (including a Warrant for transfer to / from Australia).</p>	SSA
2.	<p>Arrange for escorting officers suitable to the security rating of the inmate to travel to the sending nation to take custody of the inmate if the transfer is to CSNSW.</p>	DCJ Legal

	<b>Procedure</b>	<b>Responsibility</b>
3.	Make all necessary arrangements for the escort including: <ul style="list-style-type: none"> <li>• flights</li> <li>• accommodation.</li> </ul>	CESU Coordinator/ CESU MOS
4.	Liaise with the international counterparts about the security arrangements for the transfer.	CESU Coordinator
5.	Conduct a risk assessment to determine the security arrangements for the escort after the inmate arrives in Australia.	CESU Coordinator
6.	Approve travel, accommodation and security arrangements.	General Manager (GM) CESU
7.	If the inmate is being transferred to a foreign nation: Deliver the inmate to the Federal compound at the Australian international airport so the authorities of the receiving nation can take custody of the inmate. Remain at the airport with the authorities of the receiving nation until boarding and departure of the flight.	Escort officers
8.	If the inmate is being transferred to CSNSW: Arrange for CSNSW escort officers to meet the inmate and the foreign nation escort officers at the airport and escort them to the CSNSW correctional centre.	CESU Coordinator

## 5 Quick links

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

## 6 Definitions

CESU	Court Escort Security unit
COPP	Custodial Operations Policy and Procedures
CTPU	Commonwealth Transfer Prisoners Unit
GM	General Manager
DCJ Legal	NSW Department of Communities & Justice Legal (formerly known as Office of the General Counsel (OGC))
LOPs	Local Operating Procedures
MOS	Manager Security
S&I	Security and Intelligence, a branch of CSNSW
SSA	State Sentence Administration



## 7 Document information

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**Business centre:** Custodial Operations

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**Approver:** Kevin Corcoran

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<b>Version</b>	<b>Date</b>	<b>Reason for amendment</b>
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1.0	22/06/18	<b>COPP 19 Escorts</b> was revised.
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1.1	12/03/20	Subsection 4.2 - Procedure for the arrangement of escorting officers for international escort updated to allow an appropriate amount of officers to escort the particular inmate.
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