

Inmate Classification and Placement Corrective Services NSW

Urgent Transfer of Non-Serious Offender Clause 23 (1) and Serious Offender Clause 23 (3)

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Urgent Transfer of Non-Serious Offender Clause 23 (1) and Serious Offender Clause 23 (3)

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1 Overview

The policy and procedures within this document must be utilised in conjunction with the [OVERARCHING POLICY - Policy for Inmate Classification and Placement](#).

All staff must be familiar with the overarching policy prior to utilising this document.

The overarching policy and the instructions and policy procedures within this document apply to all staff involved in the inmate classification and placement processes within NSW correctional centres.

Clause 23 of the [CAS Regulation](#) allows for the Commissioner to immediately transfer non-serious offenders and serious offenders when deemed appropriate. This allows for the urgent transfer of inmate/s to an alternate correctional centre.

Clause transfers are only utilised for sentenced inmates.

2 Related documents

This procedure is to be read and implemented in conjunction with:

- [Management of Public Correctional Centres Services Specifications](#)
- [Custodial Operations Policy and Procedures \(COPP\) - 3 Management of specific inmates](#)
- [Custodial Operations Policy and Procedures \(COPP\) - 19 Escorts](#)
- [Inmate Classification and Placement - SORC and Subcommittee Managed Inmates](#)

3 Non-routine transfers

From time-to-time the requirement may arise for a transfer of inmate/s that is not routine utilising [CAS Regulation - Clause 23 \(1\)](#) and [CAS Regulation - Clause 23 \(3\)](#). Transfers do not result from a regular review of classification or from medical or court appointments but may be for reasons including, but not limited to:

- a change to the operational agreement affecting the security mix of the inmate population or the overall limit of the inmate population;
- the temporary closure of all or part of a correctional centre for the purpose of maintenance/refurbishment;
- the temporary closure of all or part of a correctional centre due to medical/health reasons;
- the need to increase or decrease a correctional centre's inmate population;
- the decommissioning of a correctional centre;
- the commissioning of a correctional centre;
- any other reason specified by the Commissioner and Commissioner's delegates.

3.1 Non-routine transfer - planning

On advice of the necessity to transfer a number of inmates for any of the above reasons, the Director Inmate Classification and Placement (DCP) will be responsible for the appointment of a coordinator who will be responsible for any classification/placement requirements prior to transfer

and, in conjunction with the Manager of Security (MOS), Inmate Transfers Unit (ITU), the implementation of the transfer arrangements.

The Coordinator will forward a report to the DCP providing an outline of the plan and the reasons particular centres were selected to receive inmates.

The DCP will ensure that advice is provided to the governor/s of affected correctional centres, outlining reasons and schedule for relocation of inmates.

The Manager/Deputy Managers, Classification & Placement (M/DMCP) for both dispatching and receiving centres will liaise with the governors, or their delegates, and provide ongoing advice on all issues affecting the transfer of the inmates.

The governors, or delegate, will co-ordinate the resources for the dispatch or reception of the inmates.

3.2 Non-routine transfer - inmate selection

The M/DMCP is responsible for the dispatching centre and will advise the local Classification Placement Team (CPT) of the number of inmates to be transferred, the classification of the inmates to be transferred, and the status of the inmates to be transferred i.e. SMAP, PRNA. The CPT is to be given advance warning wherever possible to enable a review of the inmate's classification, placement prior to transfer. The M/DMCP will determine inmates for review for transfer when circumstances do not allow the CPT involvement to occur.

When reviewing inmates for transfer, the CPT is to consider each inmate's program involvement, employment, specific needs, association problems, proximity to family and supports and other issues raised by the inmate during discussion.

Inmates interviewed should be made aware of the reasons for the transfer and their destination. Inmates selected for transfer should be given at least 48 hours' notice prior to the move. The M/DMCP, on receipt of advice that the selection is complete, will approve/not approve the transfer of the selected inmates.

There may still be occasions where inmates will have to be moved against their wishes. When an inmate is excessively agitated by the prospects of the transfer, the receiving correctional centre must be informed.

The Assistant Director, Inmate Classification and Placement (ADCP), in consultation with the governor of the dispatching correctional centre, will, if staffing permits, arrange an Inmate Classification and Placement Branch representative to assist the centre's CPT in the selection of inmates to be transferred and be available to answer inmate enquiries.

The M/DMCP for the receiving centre will ensure that the reception process in the centre assesses each inmate's suitability to remain at the centre. When the M/DMCP determines the inmate does not meet the criteria for placement, a report is to be prepared for the governor who will forward it, with comment, to the ADCP.

All documentation in relation to an inmate's transfer is to be completed and the original is to be placed on the inmate Case Management File (CMF).

4 Request for urgent transfer

In circumstances where a non-serious offender or Serious Offender requires an urgent Change of Placement (COP), such that the change cannot wait for the usual classification and placement review process, the inmate can be urgently transferred in accordance with Clause 23 of the [CAS Regulation](#).

The governor of the correctional centre accommodating the inmate must provide a report to the D/ADCP (delegate of the Commissioner).

4.1 Urgent transfer of non-serious offender – Clause 23 (1)

If an assessment determines that a non-serious offender is a serious security risk, or where other matters such as an inmate's health or disability make an inmate unsuitable for continued placement at the centre which does not accommodate maximum/medium security inmates, the Governor can make a report under clause 23(1) of the [CAS Regulation - Clause 23 \(1\)](#) to request the immediate transfer of an inmate.

This can only occur when the governor considers a delay in transfer to enable normal review processes to occur would jeopardise the correctional centre security and/or safety of staff, community, other inmates or the inmate themselves.

Where a Governor determines an inmate is no longer able to be managed at the correctional centre, the governor must submit a report detailing reasons why and requesting an urgent transfer. The Clause 23 (1) request/report must be referred to the Assistant Director Inmate Classification and Placement (ADCP through the M/DMCP responsible for the correctional centre which originated the request. If the M/DMCP is not available and if the transfer need is urgent, the request with the report is to be forwarded to the ADCP.

The Commissioner's delegate, after considering any report prepared by the governor of a correctional centre with respect to the placement, or continued placement, in the centre of an inmate, must make a decision with respect to the inmate's placement, or continued placement, in the centre.

The Commissioner's delegate is not bound to follow the recommendations in the report.

4.2 Procedure for urgent transfers Clause 23 (1) - Checklist

| PROCEDURE | RESPONSIBILITY |
|--|----------------|
| 1 Non-serious offender is identified as no longer suitable i.e. due to safety concerns, to remain at a particular centre. | Governor |
| 2 Submit a report outlining reasons for request of urgent transfer to the ADCP via the M/DMCP for request of an urgent transfer of a non-serious offender. | Governor |
| 3 Request for urgent transfer is considered. | DCP ADCP |
| 4 Decision is reached on urgent transfer request. | DCP ADCP |
| 5 Stakeholders informed and inmate is transferred, or remains at GOC as per the Commissioner's delegate. | DCP ADCP |

4.3 Urgent transfer of Serious Offender – Clause 23 (3)

In a case where a Serious Offender, as defined within the [Crimes \(Administration of Sentences\) \(CAS\) Act 1999](#) requires an urgent COP, such that the change cannot wait for consideration by the Serious Offenders Review Council (SORC), the inmate can be urgently transferred in accordance with [CAS Regulation - Clause 23 \(3\)](#).

If the Commissioner's delegate considers that there are urgent reasons for doing so, they may make a decision with respect to the transfer of an inmate who is a serious offender or an inmate who has a high security (HS), extreme high security (EHS), extreme high risk (EHRR) restricted or national security interest (NSI) designation without giving the Review Council an opportunity to make submissions.

The Regulation includes the requirement of a report from the Governor. The following procedures must occur:

- the Governor is to prepare a report outlining reasons for the need for an urgent COP;
- the Governor is to contact an Official Member (DCP and or the ADCP) of the SORC to discuss appropriate placement options;
- the Official Member will coordinate the request for authorisation under Clause 23 (3);
- the Official Member will be notified of the decision, and then will disseminate this decision to relevant staff.

The Official member must notify the Review Council of any decision made under subclause (3) as well as the receiving centre Governor, Inmate Transfers and where applicable the Extreme High Security Escort Unit (EHSEU).

After considering the report prepared by the governor, the Review Council may recommend to the Commissioner that the Commissioner reconsider a decision made under subclause (3).

4.4 Procedure for urgent transfers Clause 23 (3) - Checklist

| PROCEDURE | RESPONSIBILITY |
|---|----------------|
| 1 Serious offender is identified as no longer suitable i.e. due to safety concerns, to remain at a particular centre. | Governor |
| 2 Submit a report outlining reasons for request of urgent transfer to the ADCP for request of an urgent transfer of a serious offender. | Governor |
| 3 Contact the SORC Official Member (ADCP or DCP) and discuss appropriate placement options. | Governor |
| 4 Request for urgent transfer is considered. | DCP ADCP |
| 5 Decision is reached on urgent transfer request. | DCP MCP |
| 6 Stakeholders informed and inmate is transferred, or remains at GOC as per the Commissioner's delegate. | DCP ADCP |
| 7 Notify the SORC of urgent transfer request outcome. | DCP ADCP |

5 Abbreviations

| ACRONYM | MEANING |
|----------------|--|
| ADCP | Assistant Director Inmate Classification and Placement |
| CAPO | Classification and Placement Officer |
| CAS Act | Crimes (Administration of Sentences) Act 1999 |
| CAS Regulation | Crimes (Administration of Sentences) Regulation 2014 |
| CIP | Care in Placement |
| COP | Change of Placement |
| COPP | Custodial Operations Policy and Procedures |
| CSNSW | Corrective Services NSW |
| CPT | Classification and Placement Team |
| DCP | Director Classification and Placement |
| DMCP | Deputy Manager Classification and Placement |
| EHRR | Extreme High Risk Restriction |
| EHS | Extreme High Security |
| FM CM | Functional Manager Case Management |
| GOC | Gaol of Classification |
| HS | High Security |
| HSIMC | High Security Inmate Management Committee |
| MCP | Manager Classification and Placement |
| MOS | Manager of Security |
| NSI | National Security Interest |
| OIMS | Offender Information Management System |
| PRNA | Protection Non-Association |
| SCAPO | Senior Classification and Placement Officer |
| SMAP | Special Management Area Placement |
| SORC | Serious Offender Review Council |

6 Document history

| VERSION | DATE | REASON FOR AMENDMENT |
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| 1.0 | 25 October 2019 | In line with Case Management Review outcomes |
| 1.1 | 23 October 2020 | General formatting update and improvements |
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