



01/2003

Commissioner's Instruction

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

Subject: USE OF INMATE/OFFENDER LABOUR 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.

Instruction

The use of inmate or offender labour to provide services to Departmental employees for private purposes is not permitted at any time.

Such a practice gives a perception of a conflict of interest and is contrary to clause 165 (2) of the Crimes (Administration of Sentences) Regulation 2001 which provides that:

An inmate must not be employed to perform work for the benefit of the Commissioner or any correctional officer or Departmental officer.

Similarly, clause 188 (2) of the Regulation provides that a periodic detainee must not be employed to perform work for the benefit of the Commissioner or any correctional officer or Departmental officer.

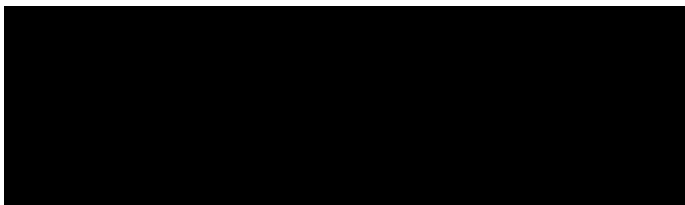
This instruction also applies to the use of the services of home detainees, persons subject to community service orders, parolees and other persons supervised by the Probation and Parole Service.

Examples of prohibited conduct include:

- mechanical or other repairs on employees' private vehicles;
- computer repairs or upgrading of software on employees' private computers;
- services of a professional nature such as accounting, designing and legal services; and
- work in or around employees' homes.

The prohibition applies regardless of whether or not the services are paid for and regardless of whether or not the offender is currently subject to Departmental custody or supervision – i.e. periodic detainees and persons subject to community service orders may only be subject to Departmental custody or supervision for a certain number of hours each week but staff must not use their services for private purposes at any time while their orders remain in force.

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





02 / 2003

Commissioner's Instruction

**To: Senior Assistant Commissioners
Assistant Commissioners
Executive Directors
Corporate Counsel
Commanders
Governors
Superintendent Court Escort & Security
Director CSI
Director Human Resources Development
Branch Heads
District Managers**

Subject: Compliance: Internet, Intranet and Electronic Mail Policy

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 1988.

Instruction

The Department's policies, guidelines and conditions of use in relation to the Intranet, Internet and E-mail Services (available on the Information Management Branch's Intranet site) provide detailed information to assist staff in the responsible use of the electronic services provided by the Department.

All staff using or seeking to use Intranet, Internet or E-mail services have a responsibility to familiarise themselves with the policy published on the Department's Intranet site.

Use of Intranet, Internet and E-mail services should be limited to appropriate business purposes. Occasionally these resources may be used for limited private purposes. In circumstances where the Department's resources are utilised for private use, they will be subject to the same code of conduct and ethics as other forms of business activities undertaken by the Department.

Staff are specifically referred to paragraph 3.2.19 of the *Internet, Intranet and Electronic Mail Policy* (available on the Information Management Branch's Intranet site) which provides that the use of the E-mail system for any form of broadcast, internal to the Department or external, for messages other than official Departmental business, is not permitted without the written approval of the Commissioner. I hereby authorise the position holders listed in the salutation of this instruction to approve broadcast E-mails for messages other than official Departmental business. Staff should note that the approval of these position holders must be obtained in writing. Once approval has been obtained the Information Management Branch Help Desk staff are to be contacted by telephone on [REDACTED] to facilitate the broadcast E-mail. Section 3.2.19 of the *Internet, Intranet and Electronic Mail Policy* will be updated to reflect this instruction with regard to broadcast E-mails for messages other than official Departmental business.

Staff wishing to use the E-mail system to broadcast messages, internal to the Department or external, for official Departmental business, must obtain the written approval of one of the position holders listed in the salutation of this instruction. Once approval has been obtained the Information Management Branch Help Desk staff are to be contacted by telephone on [REDACTED] to facilitate the broadcast E-mail. Section 3.2.20 of the *Internet, Intranet and Electronic Mail Policy* will be updated to reflect this instruction with regard to broadcast E-mails for Departmental business.

**RON WOODHAM
COMMISSIONER**

17 April 2003



Commissioner's Instruction

**To: Senior Assistant Commissioners
Assistant Commissioners
Executive Directors
Corporate Counsel
Commanders
Governors
Regional Directors, Probation and Parole**

Subject: *Preparation of Reports on Offenders*

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 Employment and Management Act 2002.

This instruction takes the place of Commissioner's Instruction 1/2001 of the same title.

INSTRUCTION

Correctional Officers, Probation and Parole Officers and Inmate Services and Programs staff may prepare reports on offenders when requested for a specific departmental purpose. In certain circumstances, reports may also be prepared at the request of external parties. An officer may not prepare a report at the request of an offender.

Any document provided is to be a factual report, **not** a reference.

When permitted, reports for external parties are to be on departmental letterhead to reflect that the report represents the view of the Department, not the individual officer. For this reason all such reports are to be based on factual information pertaining to the offender's record in custody or community supervision and are not to contain opinions or speculation.

The following comments refer to requests for reports *other* than those mandatory reports (Pre-

Sentence Reports and Parole Reports) which are required of the Probation and Parole Service.

Requests by non-departmental persons and external agencies

Any request by a non-departmental person or an external agency for a *reference* for an offender is to be declined no matter what the circumstances.

Any request for a report on an offender by a non-departmental person or an external agency is to be referred to the governor or manager for approval.

A request for a report on an offender made by a non-departmental person or an external agency (such as a solicitor or other representative of the offender) may be met at the discretion of the governor or manager.

A request for a report on an offender which falls within the jurisdiction of :

- a statutory authority (such as the Parole Board, SORC, Mental Health Review Tribunal);
- another Government agency (such as Department of Immigration and Multicultural Affairs); or
- a magistrate or judge,

must be approved by the governor or manager.

A request by a law enforcement agency or investigative agency (eg Police Service, DPP, ICAC or NSW Crime Commission) is to be referred by the governor or manager directly to the Corrections Intelligence Group (CIG) who will process the request in accordance with established procedures for the exchange of sensitive information.

Contents of reports

If a request for a report is approved by the governor or manager, the report must be prepared in consultation with the appropriate managers which may include:

- the offender's Area/Case manager
- the Programs Manager
- the Manager of Industries
- the Manager of the Parole Unit
- the Manager of the Probation and Parole District Office

A draft report must be submitted to the governor or manager for vetting prior to issue. The governor or manager is to ensure that the report contains only factual information pertaining to the offender's record and progress in custody or community supervision and that the report is balanced and properly reflects the view of the Department, not the author. The governor or manager should also liaise with the Superintendent, CIG, in relation to the existence of any intelligence reports on the offender and adjust the report accordingly. The final report is to be

on Departmental letterhead.

Requests for existing documents by legal representatives

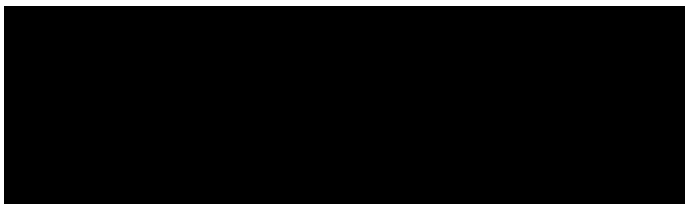
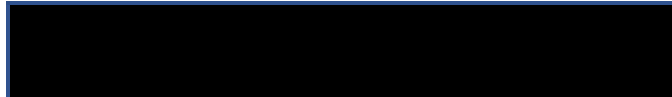
Copies of documents pertaining to an offender which are already in existence on departmental files, both electronic and paper, may be supplied to the offender's legal representative on production of a written request by the legal representative, provided no security or other sensitive issues are involved.

A request for copies of other documents (that is, documents pertaining to other offenders, staff or other sensitive matters) made by an offender's legal representative should be referred to the Manager, Freedom of Information and Privacy Unit, as below or discussed with the Corporate Counsel or the Director Legal Services.

Requests for existing documents by other non-departmental persons or external agencies

Copies of documents already in existence on departmental files may be supplied to other non-departmental persons or external agencies, if permitted under the Freedom of Information Act 1989 or the Privacy and Personal Information Protection Act 1998, upon an application to the Freedom of Information and Privacy Unit (refer section 21 OPM).

Applications should be referred to the Manager, Freedom of Information and Privacy Unit





Commissioner's Instruction

**To: Senior Assistant Commissioners
Assistant Commissioners
Executive Directors
Corporate Counsel
Commanders
Governors
Executive Directors, Community Offender Services**

Subject: USE OF DEPARTMENTAL LETTERHEAD

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 Employment and Management Act 2002.

INSTRUCTION

This instruction confirms that Department of Corrective Services letterhead must not be used for other than official departmental purposes. Such purposes are limited to departmental business and official correspondence.

Departmental letterhead may only be used for the writing of reports and letters on behalf of the Department. Since a work reference, whether it be a character or performance reference, is a statement of personal opinion, the use of departmental letterhead is not appropriate. It is not relevant whether the job being applied for is internal or external to the Department.

If you wish to write a personal reference for any person, the reference should be written on plain paper or personal letterhead paper only and no official departmental letterhead or stamp of any kind is to be used.

Human Resources Management Branch can be approached to provide a certificate documenting an employee's service to the Department.

If you are in any doubt about the appropriateness of writing a reference, you should make enquiries with either Human Resources Management Branch or one of the Department's Ethics Officers on [REDACTED]

For guidelines on the writing of reports on inmates, see Commissioner's Instruction 03/2003 - **Preparation of Reports on Offenders**.

