

# SECTION 4 – MOVEMENTS & SCHEDULES

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## **SECTION 4 – MOVEMENTS AND SCHEDULES**

This section outlines the processes for which Sentence Administration Unit is responsible in relation to day to day processes to ensure that all inmates appear at court and their results are recorded on OIMS.

It provides instructions in relation to:-

- Daily/Weekly Court Lists.
- Preparing documentation for inmate court appearances.
- Requesting [Section 23](#) Orders for transfer between centres.
- Conflicting court bookings.
- Inability of inmates to attend court.
- Responsibility to enter results following court appearances and reconciling all charges with a result.
- Generating Notices under [Section 42 of the Bail Act 2013](#).

### **4.1 COURT BOOKINGS**

One of the main responsibilities of the Sentence Administration Unit in a Correctional Centre is to identify ALL inmates required to attend Court or other authorities (eg State Parole Authority) on the date due and/or are moved to the appropriate correctional centre in sufficient time for this to occur. This is regardless of whether the appearance is in person or by Audio Visual Link (AVL).

#### **4.1.1 Court Bookings Report**

The main tool used to identify these inmates is the Court Bookings Report, generated from OIMS (Utilities > Report Submission > Day to Day Management Reports > Court Bookings Report). This report identifies those inmates located in the selected correctional centre required to appear at Court on a date within the selected range (including Parole Authority, Section 24 and Section 25 inmates) and whether the inmate is required to appear in person or by AVL.

The report forms the basis for determining the following day's court appearances, prepositions to court for more remote locations and to identify those inmates required to be moved to another centre to facilitate the booking. The Sentence Administration Unit compiles a daily Courts and Releases List which is distributed throughout the centre and to other approved agencies such as Centre Link and Justice Health.

#### **4.1.2 Compiling a Releases/Court List**

Except for the centres listed below which will compile a weekly list, a daily Court Bookings Report ([instructions](#)) is to be prepared and distributed throughout the centre by midday on its day of preparation. (The Releases component is dealt with in Chapter 6). The list identifies inmate court and

other movements and releases for the next business day and weekends and public holidays.

*(Weekly Lists – Emu Plains CC, John Morony 1 CC, OMPCC, Dillwynia CC, Berrima CC, Kariang JCC, Broken Hill CC, Tamworth CC, Kirkconnell CC, Oberon CC, St Heliers CC, Glen Innes CC, Mannus CC, Cooma CC)*

The Court List is to be completed in the attached formats ([weekly](#) or [daily](#)) and will contain details of those inmates:

- Being released on the specified date (refer to Section 6).
- Whose sentences expire but have further court matters for which bail is refused or granted but not met. Their imprisonment status changes to “Unsentenced” (known as change of classification) (refer to Section 6).
- Required for court appearances in person.
- Required for court appearances by AVL.
- Required for a temporary absence – e.g. Police Interviews under [Section 25](#) Orders.
- Required for other appearances – e.g. State Parole Authority Review etc.
- Required to be pre-positioned to facilitate a court appearance beyond the next working day. *(Centres with inmates required for preposition to a court cell location more than 1 day prior to their court appearance will need to make sure those inmates are included on the day’s court list for when they leave the centre.)*

A draft List is to be prepared at least 1 working day before its distribution to provide as much time as possible to meet the next day’s deadline. It will then only be necessary to check for any additional movements that have arisen in the past day when finalising the list.

The completed Courts and Releases List is to be distributed throughout the correctional centre by email and/or fax with a copy retained on the relevant TRIM file.

It should be signed by the Cluster Manager or Team Leader at the centre to certify it has been checked.

Copies are to be provided to:

- Reception Room/Intake Area.
- AVL Studio.
- Court Escort Security Unit.
- Inmate Accounts.
- Security Manager.
- Justice Health.
- Classification.

- A further copy is also to be retained on the specifically named TRIM file.

### **4.1.3 Preparing the List**

#### **4.1.3.1 Daily Version**

- 1 Obtain a Court Booking Report from OIMS (Utilities > Report Submission > Day to Day Management Reports > Court Bookings Report) for the dates as specifically required by respective centres.
- 2 From the list disregard (cross out) any [Section 24](#) Orders (medical bookings) as they are not part of Sentence Administration responsibilities.
- 3 In accordance with local arrangements, identify those inmates that should be pre-positioned before their court appearance. Add them to the Court List for the date they are to be moved, under the heading "Prepositions".
- 4 Cross out those inmates whose appearance is not the next day and do not have to be pre-positioned.
- 5 Cross out those inmates who are to be transferred to another centre to facilitate the appearance. Write "for transfer on (date)" on that line for information. *Ensure [Section 23 request](#) has been completed and forwarded to Movements.*
- 6 Having identified those future court appearances, generate another Court Bookings Report for the next working day. This will form the basis of the Courts component of the list.
- 7 Obtain warrant files for these inmates and those for preposition.
- 8 For inmates with an AVL appearance, generate a screen dump from OIMS selecting the relevant entry (or entries) from the Appearance Order screen. The screen dump is to be provided to the AVL Studio by the close of business of the working day prior to the appearance.
- 9a Generate an [Extract from Appearance Order Screen](#) from the relevant entry for those inmates appearing at courts where the cells are maintained by Corrective Services officers.
- 9b Produce a copy of the appearance order for those inmates appearing at non-Corrective Services staffed courts (police court).
- 10 With reference to OIMS and the Warrant File, determine whether the inmate is Do Not Release (has other holding orders),

Unsentenced (no other detainers) or Appellant (appearing in relation to an appeal against only holding warrants).

- 11 Update the Status Column of the Court Bookings Report with the Do Not Release, Unsentenced etc status of the inmate. Inmates who are not required to attend if legally represented should be marked as "Not Required".
- 12 With reference to OIMS Alerts (Intake > Alerts) check for "Association" alerts for those appearing on the report with \*\*\* under "Alerts" column. Mark those inmates with a "T".
- 13 With reference to OIMS, check the inmate's escapee status and place comment next to Classification.
- 14 Fax or email the completed list throughout the centre by midday of its day of preparation. The list will include the typed details of inmates due for release and pre-positioning and a copy of the completed Court Booking Report.
- 15 Prepare a "[Release Checklist for Unsentenced Inmates Attending Court](#)" for each inmate where the appearance is the only matter for which he/she is being held.
- 16 A [Do Not Release Form](#) is to be prepared for each inmate for which there are other holding warrants. It should outline those further matters and when they expire or are due at court.
- 17 The Extract from Appearance Order Screen or copy of the warrant is to be attached to the Do Not Release Form or Release Checklist and placed inside the warrant file.
- 18 Forward the warrant file and associated paperwork to the Intake Area (Reception Room) of the centre by the close of business that day. Intake officers are responsible for producing a photo to accompany inmate to court.

#### **4.1.4 Weekly Version**

For the [weekly version](#) of the Court List, the list should be typed up with a separate section for each day of the week. The additional details as outlined above should be included in separate columns.

The Appearance Order Screen Extract or Warrant and the Do Not Release Form or Release Checklist will accompany the inmate to court together with a photograph generated by Reception Room/Intake staff from OIMS.

The warrant file is to remain at the centre. Under no circumstances is it to leave with the inmate. It is to be collected by Sentence Administration Unit

staff at the earliest opportunity and retained in that office until the result is received from the appearance.

## **4.2 IDENTIFYING DO NOT RELEASE AND UNSENTENCED INMATES**

### **4.2.1 Do Not Release Inmates**

Inmates appearing at court in relation to separate matters for which they being currently detained are known as “DO NOT RELEASE” INMATES. Such inmates were formerly known as Habeas.

It is important to identify them for their court appearance so that if they are eligible for release in relation to that matter, they are returned to the centre to fulfil their obligations in relation to the other matters.

When preparing the documentation for their court appearance, a Do Not Release Form is prepared to advise the relevant parties not only that the inmate is to return to the centre but to provide information to the court in relation to the current sentences/orders.

Sample [Copy of Do Not Release Form & Instructions](#) (from TRIM).

The Do Not Release Form must include the following:

- Inmate’s Name.
- MIN.
- It is to include details relating to his/her current detainment (not including the current court matter) – i.e. earliest possible release date and/or when and where he/she is next to appear at Court and bail status.

#### **4.2.1.1 Why is this information needed?**

- So that the inmate is not released from custody erroneously.
- So that the inmate is returned to a correctional centre upon completion of the court hearing (and does not require a further warrant to bring inmate back to centre).
- So that the Court is informed of outstanding matters so as to not double book the inmate (that is, 2 different court locations on the same day).
- So that the Court is aware of the earliest possible release date (EPRD) so that if necessary the Court knows from what date to commence any consecutive sentence.

- So that the Court when standing a matter over knows if it is necessary to consider the question of bail. That is, grant or refuse bail.

#### 4.2.1.2 Release of Do Not Release Inmates

Despite the existence of the further orders, a Do Not Release inmate may be eligible for release if the court at which he appears deals with the outstanding matters.

In these instances, the officer-in-charge of the court cells or police where the inmate is located is to contact the respective Sentence Administration Unit and obtain written advice in the form of a Release Checklist that the inmate is clear for release.

Extreme care must be taken to ensure that all outstanding matters have been dealt with. Sentence Administration officers must obtain confirmation from the court where any doubt exists prior to authorising the inmate's release.

#### 4.2.2 **Unsentenced Inmates**

When an inmate appears at court in relation to only matters for which he/she is currently in custody, he/she is known as Unsentenced. This includes inmates attending court for an appeal hearing or bail application/review.

In these cases, a clearance for release is prepared for the court cells in the form of the [Release Checklist for Unsentenced Inmates](#). The checklist advises the court that there are no further detainers so the inmate may be immediately released if no further detainers are issued

### 4.3 **RELEASE CHECKLIST**

For Unsentenced inmates identified in 4.2.2 above, a clearance for release is prepared for the court cells in the form of the [Release Checklist for Inmates Attending Court With No Further Detainers](#) (updated 28 June 2013). The checklist advises the court that there are no further detainers so the inmate may be immediately released if no further detainers are issued.

When collating the Court List, Sentence Administration staff should prepare a separate Checklist for each inmate attending court for which there are no other charges or if appearing in relation to an appeal matter or a bail application/review.

For instructions on how to complete the checklist, [click here](#).

It is to accompany the inmate to court and if the inmate receives no further order to remain in custody, the form should be returned to the centre, outlining the reason for release, date and time, together with a copy of paperwork that has been issued (e.g. bail undertaking, bond etc).



## **4.4 RECONCILING AND UPDATING RESULTS**

### **4.4.1 Updating Results**

By the close of business on a daily basis, the result of each charge for which the inmate appeared is to be reconciled with the results received and if necessary, checked with the court or through JusticeLink. The OIMS record is to be updated within 1 working day of the result being received. All documentation is to be placed on the warrant file and/or saved to the TRIM file.

If no warrant is forthcoming from the court, an extract of the JusticeLink entries should be obtained and OIMS updated accordingly. The extract should be placed on the warrant file. If no JusticeLink record is available, contact the court for a written advice of the result.

The assistance of the relevant Cluster Manager should be sought when it has not been possible to obtain written confirmation in any form.

#### **4.4.1.1 *Inmates not required to attend if Legally Represented***

Attention must be given to obtaining results for those inmates marked as “not required”. An outcome must be received prior to the court ceasing operation for the day.

### **4.4.2 Backdated Sentences**

If a sentence is imposed and backdated so that it has expired, a warrant is to be issued by the court and entered on OIMS. If the offender has been released to parole, the local Community Offender Service office should be contacted to ensure the offender is registered for reporting purposes.

### **4.4.3 Advising Court Cells and Intake/Reception if Inmate to be Released**

If it has been identified through the reconciliation process that an inmate is to be released following his/her court appearance, Sentence Administration staff must advise the Reception Room/Intake of the relevant correctional centre and ensure OIMS is updated.

The officer-in-charge of the respective court cell location should also be notified to ensure the inmate is not returned to the correctional centre and is eligible for release from the cells. The details of the information provided and the officer's name and rank to whom the information is provided should be recorded on the warrant file.

### **4.4.4 Entering Results on Court List**

As results are received at the centre during the working day, the Weekly or Daily Court List for that date is to record the details of the result of the court appearance.

If maintaining a weekly court list, the electronic version in TRIM is to be updated as the results are received.

If maintaining a daily version, the results are to be handwritten on the list and scanned to the relevant TRIM file at the close of business.

#### **4.4.5 Close of Business Report**

At the close of business of each working day, the Senior Administration Officer or the senior officer on duty is to report to the Cluster Manager and Regional Manager any outstanding court matters for which no result has been received.

The [Close of Business form](#) is to be forwarded to the Cluster Manager and Regional Manager immediately prior to ceasing duty with details of any outstanding matters and to confirm that all other sources of incoming information have been checked and cleared. These include faxes, emails, mail and any other relevant in-trays that may contain information.

Additionally, the report confirms that the Incident Register has been checked and cleared of any items requiring immediate attention.

A copy is to be provided to the senior officer of the respective centre's Reception Room/Intake Area for information. The comments field should provide details of what action has been taken to obtain a result and include details of any contact person at the court to obtain further information.

If the inmate has not yet appeared at court, the comments should include details of where the result will be forwarded (either by fax or email) should it need to be accessed after hours. They should also include a Sentence Administration contact number for provision of advice.

If there are no outstanding matters, a "Nil" return is to be submitted.

##### **4.4.5.1 Supreme Court Bail Applications**

If the Supreme Court is still sitting after 5.00pm, it will forward the results of the hearing by email to the respective centres' proxy email addresses and a copy to the State Sentence Administration (SSA) unit (Lodgements and Processing) proxy email account.

Should individual centres be waiting for bail application results in order to complete the Close of Business Report after 5.00pm, the processing officer is required to advise the Proxy Officer on duty at the SSA. The centre should provide details to the Proxy Officer of where the Bail Result or Court Order

Notice should be sent (normally the Reception Room/Night Senior) upon its receipt.

The Close of Business report should include confirmation that the Proxy officer has been contacted and any other instructions that may be relevant.

The SSA Proxy Officer will forward the relevant results to the nominated area. They will not be responsible for processing the Bail, but the SSA Unit is available to provide OIMS checks to facilitate release *when required* (verification of Discharge Checklist).

## **4.5 PRE-POSITIONING INMATES**

Inmates will generally be taken to their court appearance on the day they are required. However, for more distant locations, it is not always possible to ensure attendance in time for the inmate's appearance.

In such cases, the inmates are transported to the nearest court cell location responsible for that court a day or 2 prior to their actual appearance.

For example, an inmate in a metropolitan location with an appearance in Newcastle would be transported to Newcastle court cells a day or 2 prior to their actual appearance. This known as pre-positioning and it enables Corrective Services to meet its obligations to the court in the most efficient manner.

Inmates would remain overnight in those cells until no longer required and return to their substantive correctional centre location on the next available transport vehicle, which may be a day or so after their appearance.

### **4.5.1 Transfers while pre-positioned**

On some occasions following completion of a court appearance, inmates may be placed at another correctional centre. In these cases, a Section 23 Order must be issued to authorise the transfer. It will be requested by the officer in charge of the court cell location.

Sentence Administration staff at the receiving centre must request the Inmate Warrant File from the former centre and update any court results where necessary.

The Warrant File is to be couriered to the new centre or by registered mail. Prior to doing so, copies of all current warrants and parole orders must be faxed to the new centre. Warrant files are not to be sent to other centres in a Corrective Services' transport vehicle.

## **4.6 INMATES REQUIRING TRANSFER TO ANOTHER CENTRE FOR A COURT APPEARANCE**

### **4.6.1 Section 23 Orders**

[Section 23 \(of the Crimes \(Administration of Sentences\) Act 1999\)](#) orders are orders used by Corrective Services to move inmates from one correctional centre to another. It authorises the inmate's absence from the gazetted correctional centre for the purposes of moving to another centre. Reason for the move may vary, but can include for court appearances, classification reasons, closing of the centre; good order and security of the centre, to name a few.

The order is issued usually by State Manager, Inmate Transfers and Population Management or Duty Officer (after hours).

### **4.6.2 Sentence Administration Responsibility**

Sentence Administration Unit staff are responsible for identifying those inmates requiring transfer for reasons of court appearances at locations outside the current centre's range. For all inmates requiring transport to another centre, an order under Section 23 of the Crimes (Administration of Sentences) Act 1989 must be issued.

Should there be problems obtaining a Section 23 Order, the General Manager and/or Security Manager of the centre should be advised. Further, the Sentence Administration Cluster Manager and Regional Manager should be advised.

Sentence Administration staff may assist the correctional centre by requesting Section 23 Orders for other movement reasons at the direction of the Manager of Security or General Manager only. Such cases should be referred to the Sentence Administration Cluster Manager or Regional Manager for their information.

All Section 23 Orders are to be retained on the Inmate Warrant file or TRIM file.

#### **4.6.2.1 When is it done?**

On a daily basis, Sentence Administration Unit staff must obtain a **Court Booking Report** from OIMS for all inmate court appearances for the next 14 days (metropolitan Correctional Centres) or 30 days (non metropolitan Correctional Centres). Having identified those inmates required for an appearance outside the range of the selected centre, a [request for transfer](#) under Section 23 of the Crimes (Administration of Sentences) Act 1999 is to be submitted to Inmate Transfers Unit by fax on 8372 5070.

#### **4.6.2.2 Steps to be taken**

- 1 Generate a Court Bookings Report from OIMS for the specified date range.
- 2 Check for any inmates required to be moved to another correctional centre for their court appearance by identifying the court at which they are to physically appear.
  - a. Disregard matters to be heard by AVL if the sending centre has AVL facilities.
  - b. Disregard those inmates who have a court appearance after their release date when there is no detainer for the appearance (eg Section 77 orders). In accordance with release procedures, the court should be contacted in the usual manner to ensure it does not intend to issue a detainer.

*Contact Inmate Movements to cancel a Section 23 order that has been requested or issued if there are no further detainers (S77s are not detainers) to hold the inmate in custody past their release date. Inmates are not to be transferred to another correctional centre to accommodate this court appearance.*

- 3 Check previous Section 23 request submitted to move inmates to other correctional centre to avoid duplication.
- 4 Submitted new request to Inmate Transfers Unit for Section 23 Orders to be issued for those inmates not previously requested.
- 5 Retain completed requests on TRIM on an ongoing basis and a hard copy in a folder at the centre. There is only a need to retain hard copies the previous month's requests for reference.
- 6 It will be necessary to reconcile the requests with all orders issued so that no inmate's transfer is overlooked. Follow up contact with Inmate Transfers Coordination Unit may be required to ensure a transfer is enabled.

NB: Centres without AVL facilities will need to transfer inmates to a centre with AVL facilities in sufficient time to ensure their appearance.

Because it can take up to 2 weeks for an inmate to move from one correctional centre to another, consult with Inmate Transfers to ensure adequate time is allowed for the transfer.

**NB:** [Section 24](#) Orders are for medical transfers and are NOT a matter for Sentence Administration staff in a correctional centre. Responsibility for such requests lies with Justice Health Medical Staff within the Centre.

#### 4.6.2.3 Why is it done on a daily basis?

It is done on a daily basis to ensure that all inmates are collected in the report. There may have been some new receptions from court or on escort from another location or a new booking has been placed on OIMS in the past 24 hours.

#### 4.6.2.4 Transfer of inmates due for release or appearance at court where no Sentence Administration staff on duty at receiving centre.

In some cases an inmate may be being transferred to a centre where it is possible that Sentence Administration staff will not be on duty to process a release or a court appearance. In such cases, the Sentence Administration staff at the centre which is transferring the inmate is to advise the receiving centre's Sentence Administration Unit of the transfer and to coordinate the preparation and checking of Discharge Checklists and other release arrangements.

The receiving centre's Sentence Administration Unit is to advise the Manager of Security of that centre to ensure there is no impediment to the inmate's release or court appearance.

## **4.7 CONFLICTING BOOKINGS**

### **4.7.1 Which takes priority?**

There will be occasions when orders have been issued for an inmate to appear at separate courts on the same date.

Upon such an instance being identified, Sentence Administration Unit staff are to always contact the respective courts and advise of the clash. A written advice may be requested and Sentence Administration staff should assist in this regard.

In advising the court, Sentence Administration staff should make a determination as to and indicate which will take priority unless advised to the contrary. A notation in the warrant file should be made.

To assist making the determination some general rules apply:

- A warrant will take precedence over another type of order (e.g. [Section 77 Order](#))
- If similar orders exist, then the precedence is allocated to the higher level of court, e.g. District Court will take priority over a Local Court order and Supreme Court will take priority over District Court.
- Criminal procedures against an inmate will take priority over an inmate's requirement to appear as a witness in another matter.
- The exception is that any other order will take precedence over a Supreme Court bail application. The Supreme Court will re-list the matter.

*When both matters are to be heard by AVL or the inmate will be attending the same court complex on the same day (eg Downing Centre District Court and Local Court are in the same building), there is no need to take any action.*

The onus will be upon the courts to liaise with each other and advise the centre if the inmate is required to attend at a location differing from that of the Sentence Administration officer's determination.

Sentence Administration staff are required to follow up with the court of non-appearance to determine if there will be any further orders issued as well as updating details of the result of where the inmate did appear.

## **4.8 INABILITY TO ATTEND COURT**

(Sample form – [Non-Attendance at Court Form](#)).

### **4.8.1 Due to Illness**

On some occasions, an inmate will be physically unable to attend court due to illness or other physical incapacity.

Sentence Administration staff must contact the court to advise the inmate is unable to attend and the reasons why. Any supporting documents such as medical certificates etc must be provided when advising the Court. It may be of assistance to the court to indicate if the inmate is able to appear by AVL (if known).

Sentence Administration Unit staff must contact the court on the day of the scheduled hearing to ensure a new warrant is issued and received at the centre to ensure lawful continuity of the inmate's custody.

### **4.8.2 Absence Due to Industrial Action**

If industrial action within the centre will result in the inability of an inmate to attend court, the Sentence Administration Cluster Manager and Regional Manager should be advised. Formal advice to the court/s of the situation may be required so that the matters may be re-listed and new warrants issued. Sentence Administration staff will be required to contact the courts prior to close of business that day to ensure all necessary documentation has been issued and received.

### **4.8.3 Absence due to other reasons**

There will be occasions when an inmate is unable to attend court due to logistical reasons. For example, a court may issue an order for an inmate to attend a court at such short notice that it is not possible to arrange transport to facilitate the appearance.

In such instances, the court should be advised immediately of the circumstances. Again, it will assist the court if it is advised whether AVL facilities exist at the centre.



There may also be occasions when an inmate is unable to appear due to data entry error, incorrect placement or other reason within Corrective Services' control.

In these cases, the court must be advised immediately as well as the relevant Sentence Administration Cluster Manager and centre's General Manager.

Often the court may re-list to another date or hear it by AVL. However, if it insists on the attendance of the inmate in person, refer the matter immediately to the Cluster Manager for further advice. The General Manager and/or Security Manager of the correctional centre should also be advised as he/she may be able to allocate resources to facilitate the appearance.

A notation in the Incident Register should be made and a report provided to the Sentence Administration Regional Manager.

If an inmate does not attend court follow up action must be taken to obtain a result of the appearance and issue a new warrant if necessary.

If the court does not issue a warrant, ascertain reasons why and advise the Sentence Administration Cluster Manager and await further instructions.

## **4.9 RESPONSIBILITY TO ENTER RESULTS FOLLOWING COURT APPEARANCE**

Upon completion of the court appearance, courts will issue documentation regarding the result. Most commonly, it will be in a warrant format and will accompany the inmate on his/her return from court or be emailed or faxed directly to the centre after an AVL hearing.

It is necessary to enter all results on OIMS as they are received, but unless there are extenuating circumstances all results should be entered within 1 working day of appearing at court and being returned to the Correctional Centre.

If there are extenuating circumstances, then the Sentence Administration Cluster Manager and/or Regional Manager is to be advised of the circumstances.

### **4.9.1 Appearances by AVL**

By the close of business on each day, Sentence Administration staff are to account for all AVL appearances from that day, prior to ceasing duty. If a warrant has not been received, the results are to be confirmed with the court. The Incident Register should be noted so that warrants are chased up the following day.

If an inmate has been granted bail, or for some other reason may be eligible for release, the Cluster Manager or Regional Manager should be notified prior to ceasing duty. Suitable local arrangements are to be put in place to allow for the inmate's release if necessary.

#### **4.9.2 Appearances in person**

In order to collate all results, Sentence Administration Unit staff are to clear the Sentence Administration fax machine and attend the Reception Room/Intake Area of the respective centre upon commencement of duty to collect any documents received from the previous day.

When collecting the documents, staff should reconcile the results received with the Gaol Event Date Report to ensure all results/warrants are accounted for.

Collection should be undertaken prior to generating and processing the other daily reports and preparing daily releases as there may be items which may affect either the release of inmates or current court lists.

Initial data entry is to be afforded every priority. Verification of all data is to be made within 1 business day of its entry on OIMS unless the matter has been referred back to the Court for correction or some other similar reason.

#### **4.9.3 Reconciling All Charges**

Sentence Administration staff are responsible for reconciling the results of all charges for which an inmate was sent to court with the results that are returned, no matter the reason for the attendance. For example, if an inmate attends court in relation to 5 offences, the result of proceedings for each of those 5 offences must be determined. If the court has issued a non-custodial sentence or decides not to proceed in relation to a particular charge or charges, it must be noted on the warrant for which the inmate was sent to court.

For warrants saved in TRIM, a similar entry in the Notes field is to be made.

These checks are to be made as soon as the data entry into OIMS for the other results has been completed.

Sentence Administration staff can obtain results from JusticeLink for each charge. A screen dump from JusticeLink should be attached to the warrant/order as confirmation when necessary.

If JusticeLink has not been updated or the appearance was at a non-JusticeLink court, staff should obtain verbal confirmation from the court. The name of the officer providing the advice should be included on the warrant notation for reference. If possible, obtain a copy of the magistrate's bench sheets for confirmation.

If it has been ascertained that the matter was adjourned with bail refused (or granted but not met) or sentenced and no warrant has been received, the court should be immediately contact to obtain one. An entry should be made in the Incident Register for reference and updated when the warrant is received.

If no warrant is received, the Cluster Manager should be advised.

If the inmate attended Court on a [Section 77](#) Order as a witness or for child care matters etc there is no need to follow up these results as they are not criminal matters and the court cannot hold or impose a conviction/sentence in regard to them.

#### **4.10 NO WARRANT RECEIVED FROM COURT**

As a general rule, courts will issue a warrant or further order as soon as possible upon completion of the inmate's appearance before it to ensure legal continuity of his/her detention. If the appearance was in person, the warrant will accompany the inmate on his/her return to the centre. For AVL appearances, the court will fax or email the warrant to the centre.

#### **4.11 COURT RESULT SHEETS**

[Click here for template \(from TRIM\).](#)

Inmates who appear at a District or Supreme Court, which is managed by the Court Escort Security Unit (CESU), may be returned to a correctional centre after their appearance on a *Court Result Sheet*. *Court Result Sheets* are to serve as an interim record to hold an inmate up to 24 hours whilst the court registry is preparing the warrant, however they are not sufficient to detain inmates indefinitely. The warrant is to be forwarded to the appropriate correctional centre immediately after it has been prepared.

Sentence Administration staff are required to contact the relevant court within 1 working day of the inmate's return to ensure preparation and receipt of the appropriate warrant.

***Court Result Sheets* are not to be confused with *Do Not Release Forms* which are not, under any circumstances, sufficient to detain an inmate (refer to Definitions).**

In the circumstances listed below, a *Court Result Sheet* **will not be accepted** as an interim record to hold an inmate in custody. In these circumstances an

inmate must be accompanied by the original documents prepared by the court on his/her return to custody;  
initial receptions into custody;  
inmates who appeared at a Local Court;  
Do Not Release inmates who are required to enter a bond or recognizance;  
appellants and sentenced inmates who, as a result of a sentence variation, may be due for imminent release;  
where an unsentenced inmate has been granted conditional bail and the bail has not been entered.

#### **4.11.1 Reconciling warrants**

Upon reconciling the results of appearances as per the above instructions, if it appears that a warrant cannot be accounted for, Sentence Administration staff should:-

- 1 Check with Reception Room/Intake to ascertain if there are any additional warrants which were not provided to Sentence Administration Staff that day or were received after the morning collection.
- 2 Check facsimile machine and other staff members to see if they have the missing warrants. Also check other warrant files that were received on the same day/escort.
- 3 Check with relevant escorting officer (CESU transport or Police) to see if they still have the missing warrants.
- 4 If all these fail contact the Court to ascertain if it has actually produced the warrants and forwarded them to the correct Correctional Centre. This is especially important where matters are heard by AVL..
- 5 If the Court advises it has produced the warrant and was collected by DCS staff or Police, indicate what action has been taken to find the warrant by Sentence Admin and request that a duplicate warrant be produced.
- 6 If the Court refuses to issue a duplicate warrant suggest that the Corrective Services may be unable to comply with the order of the court.
- 7 If this approach is unsuccessful, refer the matter to the relevant Cluster/ Regional Manager for assistance.
- 8 Only in the most extreme circumstances should consideration be given to releasing an inmate because no warrant has been received at the centre.

#### **4.12 BAIL ACT – SECTION 54A (FORM 13) RETURNS**

Pursuant to [Section 42 of the Bail Act 2013](#), Corrective Services is required to advise a Court of cases where the Court has granted bail to an inmate but where the inmate has not entered that bail after 8 days from their initial reception into custody.

Sentence Administration Unit staff on a daily basis are responsible for identifying those that fall under this provision. These inmates are identified by generating an OIMS Section 42 Notice Report [example here](#). A separate report to cover weekends and public holidays will need to be generated.

The report identifies those inmates who been in custody for 4 days after their initial reception to allow CSNSW time to process the report in time to meet the 8 day deadline.

From the names generated from the report, Sentence Administration staff must advise the court immediately so it may consider scheduling a review of the bail decision.

The Section 42 Notice should be forwarded to the court where the inmate is to next appear, not the court which made the decision.

If known, the reasons for being unable to comply with the bail conditions should be noted by Sentence Administration staff. If the reasons are not known by Sentence Administration staff, the form should simply be notated that “accused unable to meet bail conditions” as the reason for being unable to comply with his/her bail conditions. It may be signed by any Sentence Administration Unit staff on behalf of the General Manager of the centre.

Even if the report is blank (nil return), a copy is to be saved in the local Section 42 Notice TRIM File. However, if there is a name that appears on the Section 42 Notice a further copy is to be retained on the warrant file. A copy should also be scanned and saved in the centre’s TRIM file for these documents.

Refer to [Best Practice Procedures Manual](#) for steps to obtain a report.

#### **4.13 ADMISSIONS FROM OTHER CORRECTIONAL CENTRES**

In order to ensure all information has been recorded and recorded accurately, Sentence Administration staff are responsible for performing a series of checks when receiving inmates from other centres.

Within 7 days of reception at the new correctional centre, the following matters MUST be checked in each Inmate’s Warrant file upon reception:

- 1) Check reason for transfer from Section 23 Order or Synopsis, take appropriate action and ensure Section 23 Order is filed to right hand side of Warrant File.

- 2) Reconcile warrants on Left side of file (Live side) with OIMS to ensure all details are accurately entered.
- 3) Check for any future court appearances that may need to be acted on in next few days and take action as required.
- 4) Check that results have been received and entered for recent court appearances or Police Interviews ([Section 25](#) Orders). Update as necessary.
- 5) Check for parole orders for all sentences up to 3 years with NPP's. Request such orders from court if not on file and provide to Parole Office if necessary.
- 6) Check for outstanding anomalies and undertake follow-up action if necessary.
- 7) Check Case Notes screen in OIMS for Sentence Administration case notes relating to Appeals, Bail Applications and Anomalies etc. Case Notes [instructions here](#).
- 8) Peruse Right Side (Dead Side) of file for any documents which may have been misfiled. (*MRRC & Parklea often move a live warrant to the dead side if within a few days of the scheduled court appearance.*)

Duplicate copies of documents can be destroyed.

Should staff identify any errors or deficiencies, they should be corrected at the new centre but the matter should be referred to the Cluster Manager for information and further attention if necessary.

State Sentence Administration (SSA) staff are to sign the Attention section of the warrant file after completion of the necessary checks of the file. The officer signing this section confirms that the checks as set out by this section have been performed.

#### **4.14 OTHER MOVEMENTS**

The [Crimes \(Administration of Sentences\) Act 1999](#) provides for circumstances when an inmate is ordered or permitted to be absent from the confines of a correctional centre. Without exception, an inmate's absence is required to be authorised by a person defined under the Act or by delegation by the Commissioner of Corrective Services.

Absences are recorded in OIMS as a Scheduled External Movement or Unscheduled External Move. They are generally entered by staff in the Reception Room/Intake Area as they occur. Sentence Administration staff are responsible for overseeing their entry and accuracy.

The most common sections are outlined below:

##### **4.14.1 [Section 6](#)**

These are permits which allow for the inmate to work in and around the correctional centre depending on his/her classification. Such movements are not recorded on OIMS and are no interest to Sentence Admin.

#### **4.14.2 [Section 24](#)**

These are orders relating to medical escorts and require the inmate to be taken for a medical appointment or tests etc. The paperwork is filed on the Warrant File after the movement has been completed. Sentence Administration must ensure the accuracy of the movement dates and times.

#### **4.14.3 [Section 25](#)**

These are orders that are issued by Corrective Services for inmates to be taken from the Centre to another place to be interviewed in relation to the administration of justice in NSW. They are issued by Security and Investigations and a copy of the order is to be retained on the warrant file.

Sentence Administration must ensure the accuracy of the movement dates and times upon completion.

They are mostly issued for at the request of the police to interview an inmate in relation to an offence. Upon completion, follow-up action is required by Sentence Administration staff to ascertain if the police have laid further charges against the inmate.

If so, a warrant or [Section 77](#) Order must be issued to enable the inmate to attend court. A Court Attendance Notice is insufficient authority to do so.

Sentence Administration staff are to advise the centre's Manager of Security and OIC Classification that a further charge(s) has been laid against this inmate

#### **4.14.4 [Section 26](#)**

These are permits which allow the inmate to leave the correctional centre for a variety of reasons. These include work release; education programs; funerals and day leave or for any other purpose deemed appropriate.

These permits will have conditions placed upon them that the inmate MUST obey and will indicate whether or not the inmate is to be accompanied by a correctional officer(s). These orders are not the responsibility of Sentence Administration but the completed paperwork is to be retained on the dead side of the warrant file.

Movements under these permits are to be recorded on OIMS and Sentence Administration must ensure the accuracy of the movement dates and times upon completion.

#### **4.14.5 [Section 29](#)**

These are orders that allow for the movement of inmates across State borders. It is usually used for urgent medical purposes or for aboriginal inmates to attend a funeral or occasion of special significance to his/her family, but can include other reasons if entering the Australian Capital Territory

*NB: These orders/permits are issued pursuant to the provisions of the [Crimes \(Administration of Sentences\) Act 1999](#) and under delegation of the Commissioner of Corrective Services.*

#### **4.14.6 [Section 77](#)**

These orders are issued by an appropriate authority to bring an inmate from a correctional centre to a court of law or some other place for the purpose of any legal proceeding, inquest or inquiry. They may be issued for any reason where a person in CSNSW custody is required for to appear before a court.

##### **4.14.6.1 [Reconciling Court Results](#)**

Sentence Administration staff are required to follow up the result of all matters following the court appearance. However, no action is required if the hearing is relation to appearance as a witness or Child Care Proceedings or other matters which do not affect the detention of the inmate.

##### **4.14.6.2 [Data Entry of Section Orders](#)**

Section 77 orders are to be entered in the Offender Legal Cases Screen of OIMS by the centre where the inmate is located.

###### **4.14.6.2.1 *Offences***

The offences should be entered as per the details on the order. Where the offence is not noted on the order, it is the responsibility of the Sentence Administration Officer entering the order to refer to Justice Link to obtain the relevant details, such as offence and JusticeLink reference number, and enter them accordingly.

Any follow-up action such as confirmation of appeal details, offence details etc is to be performed by the centre at which the inmate is located.

Refer to the [OIMS Elite User Guide](#) for instructions on data entry of Section 77 Orders.

##### **4.14.6.3 [Receipt of Orders for Inmates at Other Centres](#)**

###### **4.14.6.3.1 *At MRRC***



Many orders are sent to the MRRC for inmates who are at other centres. If the inmate is at another centre, the order is to be forwarded immediately to the centre of the inmate's location. They are no longer entered at MRRC.

At the close of business each day, the Sentence Administration Unit at MRRC will prepare a schedule of orders entered and save it to TRIM File No 13/600 (for an example click [here](#)) and email it to each Sentence Administration Unit in the state. The schedule will include details of

- Inmate Name
- MIN
- Court Location of Appearance
- AVL
- Appearance Date
- Inmate location
- Time faxed/emailed to the respective centre

A copy of the actual order is to be retained with the original schedule for the particular date.

#### 4.14.6.3.1 *At Other Centres*

Orders received at centres where the inmate is not located should be forwarded to the relevant centre's Sentence Administration email address. If the order is for an appearance within the next 2 working days, the centre sending the email is to also contact the receiving centre's Sentence Administration staff by phone to advise.

#### 4.14.6.3.1 *Reconciling the S77 Schedule from MRRC*

The Senior Processing Officer at each centre is to ensure the schedule is reconciled with each order received and undertake data entry and any follow-up requirements. All orders are to be entered the working day of receipt (if during business hours) and verified within one working day.

#### 4.14.6.4 *Advising Offender Classification & Case Management*

Details of all S77 orders received are to be forwarded by the Senior Processing Officer to the centre's Classification staff and the Security Manager for information.

Click [here](#) for instructions on reconciling the S77 Order Schedule.

### **4.14.7 Legal Bookings**

Inmates are often scheduled to attend a conference with their Legal Representative by AVL or in person. If they require a transfer to another centre to facilitate, a Section 23 Order must be requested and issued. Movements for this reason are not the responsibility of Sentence

Administration and should be referred to the Manager of Security of the relevant centre for processing.

The movement is recorded in OIMS as a Visit but is not oversighted by Sentence Administration.

#### **4.15 RECORDING MOVEMENTS**

All correctional centre movements are to be recorded on OIMS. Movements are generally to be entered by Reception Room/Intake staff as they occur.

Sentence Administration staff are responsible overseeing the accurate recording of all correctional centre movements in OIMS for the following reasons:

- Transfers to and from the centre under Section 23 Orders.
- Appearance at court, including AVL matters.
- Absences for police interview etc (Section 25 Orders).
- Releases from custody.

Sentence Administration staff are not responsible for:

- Changes to housing locations within the centre.
- Visits.
- Medical bookings under Section 24.
- Day leave etc (Section 26 Permits).

Sentence Administration staff should on a daily basis generate a Gaol Event Date Report identifying the previous day's movements. The report shows all movements entered into OIMS.

From the Gaol Event Date Report, accuracy of the date and movement type should be monitored and altered or deleted if required using the Edit External Moves screen in OIMS (Utilities > Admin > Edit External Moves).

If a movement is missing, Reception Room/Intake staff should be requested to make the entry.

If an entry requires modification, contact the relevant Team Leader or Cluster Manager to correct it.

Correctional centre movements are often used as evidence in court, so their accuracy is of utmost importance.

All associated paperwork is to be retained on the Inmate Warrant file. For inmates with TRIM Warrant Files, ensure the naming convention is followed.

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## DOCUMENT HISTORY

Version	Date	Reference
1.0	26-11-09	First issue
1.1	23-11-10	<b>Sect 4.13</b> amended - Inclusion of Case Notes instructions for checking of warrant files received from other centres. <b>Sect 4.4</b> amended - as part of Sentence Administration's daily reconciliation process to require staff to notify Intake and respective court cell location if inmate is to be released from the cells
1.2	4-4-2011	Amendments to all sections replacing term of "Habeas" with "Do Not Release" and introduce a new form to more clearly define in plain English the requirement to return to the correctional centre of offenders who attend court but have other separate detainees. <b>Sect 4.4</b> further updated to require Sent Admin staff to update the relevant court list with the outcome of all court matters and to further report any unreconciled matters on a daily basis to Cluster Manager and Intake/Reception
1.3	16-6-11	<b>S4.15</b> varied requirement for Sent Admin staff to oversight accuracy of S24 Medical movements and S26 Permits (eg Day Leave) <b>S4.14.6</b> updated to reflect daily schedule of S77's orders prepared from MRRC and saved to TRIM. Includes data entry instructions for S77s and reconciliation requirements from MRRC daily schedule.
1.4	4-7-11	References to Incident Log changed to Incident Register <b>4.4</b> amended with new Close of Business Report form to report to Cluster Mgr, Reg Mgr and Reception Room of unreconciled matters.
1.5	21-10-11	<b>4.1.2</b> Instructions for generating Court Bookings Report updated to clarify that centres with significant TAP movements do not print it off but extract names and type them to Daily Court List for S25's and Parole Releases only. S24's do not get placed on Court List.

		<p><b>4.1.3.1</b> 1) Changed requirement to generate a report for next 3 working days to reflect the specific workings of respective centres.  2) Deleted reference to removing S24 orders  3) Clarified to allow centres to be flexible within local arrangements  <b>4.2.1</b> Updated to include instructions on completing Do Not Release Inmates Form.</p>
1.6	15-3-12	<p><b>4.12</b> – Form 13s - Updated to clarify that SAU staff should include reasons for inmates being unable to meet bail conditions and that the completed forms can be signed by a SAU member.</p>
1.7	15-11-12	<p><b>4.4.5.1</b> added to outline procedure for when Supreme Court Bail App results are provided after 5pm and completion of Close of Business Report.</p>
1.8	12-4-13	<p><b>4.3</b> Discharge Checklist for Inmate Attending court with No Further Detainers amended.</p>
1.9	10-5-13	<p><b>4.6.2.2</b> Removed requirement to include a copy of the Court Booking Report with S23 requests in TRIM  <b>4.12</b> Form 13s – only need to be sent to court of next appearance – not the court that made original bail decision.  <b>4.14.6</b> S77 Orders section updated to require Sent Admin staff to refer to Justice Link for offence details if not on order and enter accordingly. MRRC no longer enter S77s centrally.</p>
1.10	3-7-13	<p><b>4.3</b> - “Discharge Checklist for Inmates Attending Court With No Further Detainers” form updated with “Bail Review” option for status  <b>4.6</b> – updated procedures for preparing transfers for inmates within a working day of their release date.  <b>4.13</b> – updated to require Sentence Admin staff to sign Attention section of warrant file to affirm that all checks have been performed.</p>
1.11	3-3-15	<p><b>4.4.1.1</b> added to require an outcome for inmates not required to attend if legally represented.  <b>4.1.3.1</b> – added sentence to record inmates not required if legally represented as “Not Required” in status field of court list.</p>
1.11.1	21-7-15	<p>Updated all links to TRIM documents following upgrade to Intranet</p>
1.12	24-8-15	<p>Updated to reflect Sentence Admin Branch becoming Sentence Admin Corporate</p>

1.13	9-11-18	Updated Section 23 Request Form
1.14	17-9-19	Updated 4.4.5.1 to reflect SSA at Windsor replacing MRRC as contact point for after Supreme Ct bail app results.

**NEXT REVIEW DATE**

ongoing