TEMPORARY LEAVE PROGRAMMES

POLICIES

I. ALLPASS
Executive Officer
PRISONER CLASSIFICATION AND PLACEMENT

T. POWER
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TEMPORARY LEAVE PROGRAMMES

The conditions governing the operation of temporary leave programmes for prisoners have been reviewed. The review was completed last February as part of the ongoing process of prisoner classification and development following the adoption of revised classification procedures. Proposed policy changes were submitted to the then Minister for Corrective Services who intimated they should be considered after the election.

The revised policies aim to:

- provide uniformity and consistency in criteria across the range of prisoner temporary leave programmes and in the administration of these programmes;
- provide an incentive for prisoners to transfer and remain at remote institutions and to alleviate problems associated with family and community contact which has been found to be a significant factor in escapes;
- allow Superintendents more flexibility, with commensurate accountability, in managing prisoners in their institution.

A summary of the current and proposed policy on temporary leave programmes is contained in the attached document, together with draft policies in regard to day leave and weekend leave; external programmes (education and training); and work release. The proposed changes do not contravene current legislation but are submitted for the Minister's endorsement.

ANGUS GRAHAM
Director-General
18 November 1991
TEMPORARY LEAVE PROGRAMMES

POLICIES

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Executive Officer

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PRISONER CLASSIFICATION AND PLACEMENT
DAY LEAVE

AND

WEEKEND LEAVE

PROGRAMMES
TEMPORARY LEAVE PROGRAMMES
(Prisons Act 1952 Section 29 (1) (2) and Regulation 139)

All previous instructions relating to Day Leave; Weekend Leave, Works Release I and II; Educational and Industrial Training Programmes are now rescinded.

INTRODUCTION

The Department of Corrective Services provides a range of temporary leave programmes for suitable prisoners. These programmes are designed to assist prisoners to prepare for return to the community upon release. Inclusion in the temporary leave programmes is a privilege which is subject to consideration in each individual case having regard for the criteria applying to that programme at that time.

The Day Leave and Weekend Leave programmes provide for selected prisoners to leave the institution for the day or weekend, in the company of an approved sponsor.

The major objectives of the programmes are:

- To provide a reward for prisoners who display above average conduct and industry.
- To allow prisoners an opportunity to strengthen family and/or community ties prior to their release.
- In the case of weekend leave, to provide an incentive for prisoners to transfer to relatively isolated camps on attaining a C2 classification and to further strengthen family and community ties.

1.0 ESSENTIAL CRITERIA (applying to all Institutions which have the capacity to run temporary leave programmes subject to the discretion of the Superintendent and the concurrence of the Chief Superintendent.

1.1 Prisoners must hold a 'C2' rating and must have consistently performed at above average levels in conduct, industry and/or training without adverse incident, before they are eligible to apply for Day Leave or Weekend Leave.

1.2 Approvals for entry on the Day Leave or Weekend Leave Programmes must be given by the Superintendent on the recommendation of the Programme Review Committee. A Section 29 Order will be issued by the Superintendent only when a C3 has been approved by the Classification and Placement Committee at Long Bay. The Classification and Placement Committee must sight all documentation in relation to leave before approving a C3.
1.3 A C3 will only be granted to those prisoners who will be participating in a temporary leave programme. Therefore any Institution that does not conduct these programmes, should transfer eligible prisoners to Institutions that do. In this way prisoners who want to and who are suitable, will have the opportunity to participate in these programmes.

1.4 Day or Weekend Leave must not be granted immediately prior to a prisoners release thus giving effect to an early release.

1.5 All prisoners must be strip-searched on return from Day Leave and Weekend Leave and will be subjected to urinalysis testing in accordance with Departmental instructions.

2.0 EXCEPTIONS TO THE ABOVE CRITERIA FOR ALL TEMPORARY LEAVE PROGRAMMES

2.1 The following prisoners will not be considered for participation in Day Leave or Weekend Leave or any temporary leave programme until they are:

   (i) within 12 months of their effective date of release

   (ii) or have served 50% of their minimum sentence; whichever is least.

   A prisoner convicted of a drug offence and serving a MAXIMUM sentence of 7 years or more.

   A prisoner convicted of a violent sexual offence.

   A prisoner convicted of a violent crime involving actual or potential danger to life or use of a dangerous weapon or with a history of such offences.

   A prisoner who, in the opinion of the local authorities, is considered a habitual criminal.

**NOTE:** Refer Classification Manual Sec. 4. 26.3 and 26.4 Page 44.

**NOTE:** Prisoners coming under the jurisdiction of the Serious Offenders Review Board and the Mental Health Review Tribunal are not included in the above. Their cases will be determined by the appropriate authorised bodies.
3.0 SPONSOR

3.1 In approving these programmes the Superintendent must be satisfied that:

- the sponsor is a person of integrity
- the sponsor will be a positive influence in the helping the prisoner complete the programme successfully.
- if a change of Sponsor is required it must be approved by the Programme Review Committee and the Superintendent before sending all documentation to the Manager of Classification and Placement at Long Bay.

4.0 INFRINGEMENTS, BREACHES AND FURTHER CHARGES

4.1 Prisoners may be removed from these programmes for breaches of their Section 29 order. However the Superintendent has the discretion to allow prisoners to continue in the programme for up to three minor breaches of discipline.

4.2 Should the breach be of a serious nature the prisoner should be reviewed by the Programme Review Committee with a view to increasing his/her security classification. If the Programme Review Committee recommends that the prisoner's security rating be increased and the Superintendent agrees, all papers relating to the decision are to be sent to the Classification and Placement Committee for approval. An increase in security rating above C3 will automatically suspend the prisoner from the temporary leave programme. The Prisoner will not be considered for further inclusion in the programme unless the Superintendent and the Programme Review Committee approves re-entry to the programme and the Classification and Placement Committee reduces the prisoners security rating to a C3.

4.3 Prisoners either on or eligible for those programmes who record a positive urinalysis result will not be eligible for Day Leave or Weekend Leave for a period of 12 months.

4.4 Further Charges.

If a prisoner is charged with a criminal offence while on the Day Leave/Weekend Leave Programme, he/she will be removed from the programme to an appropriate institution pending a hearing. The Programme Review Committees must re-assess the prisoners classification security rating based on the alleged offence and also his/her future placement pending the completion of Court proceedings. Should the prisoner be found guilty he/she will not be allowed to re-enter the Programme during the current sentence or any subsequent sentence. In the event of being found not guilty. The Programme Review Committee should reconsider the case with a view to restoring the prisoner to the programme if appropriate.
5.0 **GENERAL CONDITIONS** (applying to all Institutions which have the capacity to run temporary leave programmes subject to the discretion of the Superintendent and the concurrence of the Chief Superintendent.

5.1 Day Leave may be taken by approved prisoners at intervals of not less than four weeks.

5.2 Prisoners must specify where they will be staying during the leave period. There is however a 200 km geographical limitation within the State as to where Day Leave takes place.

5.3 The time span of Day Leave shall be from 8.00 a.m. to 8.00 p.m., subject to the discretion of the Superintendent who may require an earlier return in the interests of security and availability of reception staff.

5.4 In general, Day Leave will be granted only on Saturday, Sunday and Public Holidays. In special circumstances Day Leave may be granted on a week day at the discretion of the Superintendent, e.g., when the sponsor is required to work over weekends (e.g. nurses, shift workers etc.)

6.0 **SPECIAL CONDITIONS** (in addition to 5.2 & 5.3 applying to Camps - Oberon, Kirkconnell, Glen Innes, Mannus and Muswellbrook)

6.1 Prisoners may be granted Day Leave at intervals of not less than 14 days and at the discretion of the Superintendent.

6.2 Prisoners may be permitted Weekend Leave twice per month (Note 4 above). The maximum hours of weekend leave are from 4.00 p.m. Friday to 10.00 p.m. Sunday. The Superintendent has discretionary power to determine the hours of weekend leave within this overall time period.

6.3 No prisoner may participate in 2 Day Leaves as well as 2 Weekend Leaves in a four week period. He/she may however be eligible for one Day Leave and one Weekend Leave if he/she so chooses and at the discretion of the Superintendent.

7.0 **SPECIAL CONDITIONS** (applying to Silverwater Work Release Centre and Norma Parker Centre)

7.1 Each prisoner whether on the Work Release assessment programme or not is eligible for one day leave per 28 days.

7.2 Each prisoner participating in the Work Release Programme is eligible for one Day Leave or one Weekend Leave per 28 days.

7.3 Each prisoner on the Work Release II programme, i.e. during the prisoner's last 3 months of sentence is eligible for weekend leave every weekend.
8.0 ADMINISTRATIVE PROCEDURES FOR DAY LEAVE AND WEEKEND LEAVE

8.1 The inmate is to make an application on the prescribed form and all questions on the form must be answered.

8.2 The application is to be considered by the Programmes Review Committee and a recommendation made. The Committee is to ensure that the form clearly records the prisoner's classification, date of classification, and any limitations regarding the prisoner's movements while on leave.

8.3 The forms and all correspondence concerning Day Leave or Weekend Leave are then submitted to the Superintendent for approval/non approval.

8.4 Should the Superintendent approve, he will then forward a recommendation to the Manager of Classification to reduce the applicant's classification to C3.

8.5 Once the Classification Committee has approved a C3, an order in terms of S.29 of the Prisons Act must be issued by the Superintendent on each occasion that the prisoner goes on leave.

8.6 Prisoners who are under the jurisdiction of the Serious Offenders Review board will have their applications for day leave and weekend leave determined by the Director General following a recommendation from the Board. The Superintendent in conjunction with the Programme Review Committee may also make recommendations on behalf of these prisoners to participate in these programmes. The recommendations and all supporting documentation are to be mailed to the S.O.R.B. for consideration.

8.7 Forensic Patients come under the jurisdiction of the Mental Health Review Tribunal. In these cases C3 for Day Leave or Weekend Leave will only be considered when the programme has been recommended by the Mental Health Review Tribunal; approved by the Health Minister and then approved by the local authorities (i.e. Superintendent and Programme Review Committee).

In the event of the local authorities wishing to place a Forensic Patient on a Day Leave or Weekend Leave programme; they will firstly send their recommendation to the Mental Health Review Tribunal for consideration. If the Mental Health Review Tribunal endorses the recommendation and the Minister of Health approves, the local authorities will again consider the case before requesting a C3 from the Classification Committee. All documentation concerning the patients entry on the programme must accompany the request.
8.8 Prior to a prisoner proceeding on approved Day Leave/Weekend Leave:

(i) 'Orders in respect of Day Leave' are to be read to the prisoner by an officer who will certify in writing that this has been done.

(ii) The prisoner is to sign the "ORDERS" in the space provided and the officer issuing the order will complete the certificate at the bottom of the form.

(iii) The original of the "ORDERS" is to be retained by the Superintendent; one copy is to be handed to the prisoner and one to the sponsor.

(iv) The sponsor(s) will sign the form "Acknowledgment of Sponsor of Inmate". This form will be retained by the Superintendent.

(v) Where the leave is not taken or alterations to an order become necessary the order must be returned to the Superintendent for cancellation, amendment or re-issue as required.

9.0 **SPONSORSHIP CONDITIONS FOR DAY LEAVE/WEEKEND LEAVE**

(Refer Information Bulletin No.72 - 2/11/88)

9.1 Prisoners must be collected and returned to custody in person by the sponsor, who is to ensure that reliable transport will be available.

9.2 Sponsor(s) are to provide suitable identification, prior to proceeding on leave. Two passport size photographs of the intended sponsor must be produced prior to the leave being approved. This is to enable reception and duty officers to identify sponsors signing prisoners in and out on leave. Furthermore it will assist officers to identify sponsors when home checks on prisoners are being carried out while prisoners are on leave.

9.3 The sponsor must be at least 25 years of age.

9.4 The sponsor must provide proof of age and identity which must be sighted by the Superintendent or his/her delegate and noted on the Declaration by Sponsor Form.

9.5 The sponsor must in the opinion of the Superintendent be a fit and proper person to fulfil all the obligations of sponsorship in respect of the particular leave for which application is made;

9.6 The sponsor must not have served a term of imprisonment or periodic detention during the previous ten years.

9.7 The sponsor must not have been convicted of offences related to drugs or crimes of violence during the previous 10 years.
9.8 However, where the prospective sponsor is the spouse/partner or parent/guardian in these circumstances (9.6 and 9.7 above) he/she may be considered and approved for sponsorship, providing the Superintendent and the Programme Review Committee are satisfied that the rehabilitative benefits for the prisoner far outweigh any other consideration.

In these particular cases, the spouse/partner or parent/guardian should be interviewed by the Superintendent or his nominee and a detailed report submitted before being recommended by the Programme Review Committee, and approved by the Superintendent. Also the partner of a verified established de facto relationship of over 6 months prior to imprisonment may be considered as a sponsor in these circumstances.

10.0 CRIMINAL RECORD CHECK

10.1 A criminal record check is to be made by the local authorities by utilising the Offenders Record System (O.R.S.) The Systems Gaol Master Menu should be displayed and the checks can be made by utilising the following:

- Probation & Parole Menu
- Inquire on Clients & Orders Screen

If the local authorities are not satisfied with information obtained from the O.R.S. then the Regional Intelligence Officer should be contacted and the result of the inquiry should be noted on the form entitled "Declaration by Sponsor". In future there will be no need to send this form to the Manager of Classification.

11.0 OTHER MATTERS FOR CONSIDERATION are:

11.1 that the sponsor is personally known to the prisoner;
11.2 that the sponsor has known the prisoner personally long enough to be confident of the prisoner's satisfactory behaviour and compliance with the terms and conditions that will apply to leave if approved.
11.3 the closeness, duration, depth and quality of the relationship between sponsor and prisoner.
11.4 whether or not the relationship existed outside the institution;
11.5 the stability or permanency of the sponsor's employment and place of residence;
11.6 the possession of a current driver's licence;
11.7 any previous sponsorship;
11.8 the practicality and soundness of any particular leave plan proposed by the sponsor.

The matters dealt with above are significant but not mandatory criteria. There may be particular circumstances which do not require all criteria to be met e.g. where the proposed sponsor is, for example a CRC volunteer, there will be no need for prior long-term acquaintance with the prisoner.
12.0 EXCEPTIONS

12.1 There may be cases where no sponsor can be procured for a prisoner wishing to go on Day Leave and who, in the opinion of the Programme Review Committee, could benefit from the programme. In these cases the Programme Review Committee should endeavour to arrange a suitable volunteer sponsor through the C.R.C.; church groups or other local volunteer groups.

12.2 In cases where no sponsor can be procured and a prisoner wishes to go on Day Leave, he/she may do so in the company of another prisoner and his/her sponsor, providing the latter is prepared to assume responsibility for both and the Superintendent approves.

13.0 SPONSOR ASSESSMENT

13.1 Prospective sponsors are to be personally interviewed by the Superintendent, or any senior officer to whom responsibility for this task has been delegated.

13.2 Prospective sponsors are to be given, in advance, a copy of the day Leave conditions (DL2) with which they will be required to comply.

13.3 Prospective sponsors are then to complete a Declaration by Sponsor Form.

13.4 If considered necessary by the Superintendent (or by the Programme Review Committee prior to making a recommendation to the Superintendent) a "home visit" is to be made by a Probation and Parole, Welfare or any other appropriate officer that he/she may determine.

13.5 Telephone numbers and/or points of contact are to be supplied so that regular checks can be made if considered necessary.

14.0 MONITORING, EVALUATION AND REVIEW OF SPONSORSHIPS

14.1 Superintendents should ensure that the assessment process continues up to, during and after the period over which leave is taken, so that a review can be made and action taken in regard to:

- continuation of leave;
- cancellation of leave;
- continuation of a particular sponsorship;
- cancellation of a particular sponsorship;
- guidance and support of a particular sponsor
- unsuitability of a sponsor generally.
14.2 Responsibility for monitoring sponsorships rests with the Superintendent. However, unless the Superintendent can be satisfied by other means, follow up contact should be made with the sponsor and the prisoner by a Probation and Parole or Welfare Officer or any other officer determined by the Superintendent who should advise him/her of any perceived problems and if so:

- what they are and what action needs to be taken; or
- whether or not the problem or difficulty has been resolved; and
- whether or not the continuation, deferment or cancellation of further sponsored leave, or the variation of conditions applying is advisable; and
- advise as to the prospect for future sponsored leave for the particular prisoner.

15.0 SPONSORSHIP BREAKDOWN

15.1 In every case of breakdown of a sponsored leave arrangement the Superintendent shall investigate the circumstances to determine whether the primary responsibility for breakdown lay with:

- the prisoner; and/or
- the sponsor; or
- neither

15.2 If, in the Superintendent’s opinion, fault lay with the sponsor, he/she must consider whether or not the sponsor should be designated ineligible for further sponsorship of:

- that particular prison; or
- any prisoner;

and in either case, if such ineligibility should be:

- subject to some contingency; or
- for some limited period; or
- permanent.

15.3 Where a sponsorship is deferred or cancelled by the Superintendent the details should be made known to the Programme Review Committee and recorded on the classification file.
WORK RELEASE I

AND

WORK RELEASE II

PROGRAMMES
WORK RELEASE I

INTRODUCTION

THE PURPOSE OF WORK RELEASE

Work Release is a treatment oriented programme designed to:

- give prisoners an opportunity to integrate and adjust to society prior to release,
- teach prisoners the value of work for their own self esteem and to continue in employment after release,
- help prisoners renew their family ties and social relationships and take responsibility for their own behaviour through the privileges associated with the programme.

Work Release has practical financial outcomes also:

- Supports his/her dependants.
- Pays fines and compensation.
- Pays the cost of his/her imprisonment through payment of board.
- Saves money for his/her eventual release.

WHAT IS WORK RELEASE

Work Release is a Programme which allows selected prisoners to go unescorted, on a temporary basis, to employment in the community while continuing to serve the latter portion of their sentences in minimum security conditions at the Silverwater Complex (for men) and the Norma Parker Centre (for women).

The Programme is divided into two segments. The Assessment segment and the Work Release proper segment.

In the Assessment segment the prisoner will undertake, usually for 12 weeks, programmes specifically designed to gradually reintroduce him/her to the outside community. The specific type of programme in operation within the institution will be at the discretion of the Superintendent (Ref 3.0 below). Prisoner participation will be monitored by the local authorities. A reduction or extension of the assessment period may be appropriate in some cases and will be at the discretion of the Superintendent and the Programme Review Committee. Thereafter the prisoner either goes on the Work Release Programme or may return to his/her previous gaol of classification. Prisoners who have been detained for departmental convenience in other institutions prior to transfer to the Work Release Assessment Programme or who have been completing a vital stage of educational or trade training, may, at the discretion of the Superintendent and the Programme Review Committee (Silverwater/Norma Parker), have the time for assessment reduced. In these cases negotiations should take place between the respective Programme Review Committees prior to transfer of prisoners.

In the Work Release segment prisoners will be monitored continually. Urine samples will be called for at regular intervals. Prisoners will also contribute out of their earnings, to their board, lodging, travel expenses and to the support of their family.
1.0 ELIGIBILITY FOR WORK RELEASE ASSESSMENT

1.1 In future the primary candidates for the Work release Assessment Programme will be prisoners who are effectively serving more than three years and whose release will be determined by the Offenders Review Board. These prisoners may be considered for assessment when they are within 2 years of their minimum release date and who hold a C2 classification prior to transfer.

1.2 Longer term serving prisoners who have satisfactorily progressed through the ratings and who are within 2 years of their minimum date are considered as being most suitable candidates for consideration for the Work Release Assessment Programme. Other prisoners serving less than three years may be considered providing cogent reasons are put forward and full documentation is submitted to the Classification Committee at Long Bay.

1.3 Potential work releasees should be identified as early as possible, preferably at the initial classification meeting. The prisoner’s willingness to participate in the Programme should be canvassed at this stage and the procedures for entry should also be outlined. (See "Admission Procedures" Page 4).

1.4 In normal circumstances prisoners will come from programme intensive institutions (Cessnock, Mulawa, Bathurst etc.) where they will have satisfactorily demonstrated good conduct and industry. They will be recommended by the Superintendent and Programme Review Committee of these institutions for transfer to the Silverwater Complex or Norma Parker Centre to undergo the Assessment Programme after approval from the Classification Committee at Long Bay. Before transfer every effort must be made to ensure that prisoners are not facing further charges and are completely free of any further court involvement.

1.5 Prisoners who are under the jurisdiction of the Serious Offenders Review Board will have their entry into the Programme determined by the Director General following a recommendation from the Board. The Superintendent may also make recommendations on behalf of these prisoners to participate in these programmes. The recommendations and all supporting documentation are to be mailed to the Serious Offender Review Board for consideration.

1.6 Forensic Patients come under the jurisdiction of the Mental Health Review Tribunal. In these cases C3 for entry to the Work Release Programme will only be considered when the Programme has been recommended by the Mental Health Review Tribunal, approved by the Health Minister and then approved by the local authorities (i.e. Superintendent and Programme Review Committee).

In the event of the local authorities wishing to place a forensic patient on the Work Release Programme, they will firstly send their recommendation to the Mental Health Review Tribunal for consideration. If the Mental Health Review Tribunal endorses the recommendation and the Minister of Health approves, the local authorities will again consider the case before requesting a C3 from the Classification Committee. All documentation concerning the patients entry on the Programme must accompany the request.
Decisions coming from the Mental Health Review Tribunal should be mailed to the Superintendent, in the first instance, who will then inform the prisoner.

2.0 ELIGIBILITY FOR WORK RELEASE PROPER.

2.1 Any of the above prisoners providing:

- they have successfully come through the assessment phase. (Prisoners who have not been successful are to be assessed by the Programme Review Committee and a recommendation made for transfer to another Institution if appropriate)

- the Classification Committee has granted a C3 classification.

- he/she is an Australian citizen or whose immigration status allows him/her to work e.g. Refugee status. Prohibited non citizens are not eligible. (Ply 91. 155/1 Bulletin 25/12/91)

- he/she is completely drug free and furthermore has not been found guilty of a positive urinalysis charge over a period of 12 months from the date the urine sample was taken.

2.2 Note Exceptions 2.0 - Day Leave and Weekend Leave Programme.

3.0 ADMISSION PROCEDURES TO WORK RELEASE PROPER

3.1 A prisoner must have successfully completed a considerable period at the Silverwater Complex or Norma Parker Centre participating in some or all of the following programmes:

- Prison industries.

- Outside sport or activities programmes.

- Outside employment at Parklea or Brush Farm.

- The Day Leave Programme.

- External Education Programmes.

- The Weekend Leave Programme.

- Any other programme deemed suitable by the Superintendent and the Programme Review Committee.
3.2 APPROVAL

Only the Superintendent upon receiving a recommendation from the Programme Review Committee can approve the prisoner's entry on the Programme.

In approving this Programme the Superintendent and the Programme Review Committee will take into account the following issues.

- The length and nature of the applicant's criminal history, including previous admissions to the Programme;
- Conduct and industry throughout the prisoner's time in custody;
- Prospects for progressing to C3 (a prisoner must be C3 to enter the Programme);
- Prospects for resettlement into the community;
- Whether or not the prisoner has been drug free over the previous 12 months.
- Prisoner's family circumstances, responsibilities and financial need;

4.0 INFRINGEMENTS, BREACHES AND FURTHER CHARGES

4.1 WORK RELEASE RULES

Infringement of Work Release rules may, after due consideration by the Superintendent and Programme Review Committee, result in the prisoner being removed from the Programme with an increase in classification and placement elsewhere.

4.2 URINALYSIS

Prisoners returning a positive urinalysis result will, pending the Visiting Justice hearing, be relocated to Parramatta (men) or Mulawa Training and Detention Centre (women). However, should there be other circumstances other than a "positive urinalysis" the Programme Review Committee has the option of classifying the prisoner as A2 to Long Bay. If the Visiting Justice dismisses the charge/s or the prisoner is found not guilty then the Programme Review Committee should reconsider his/her former security classification and arrange to have the prisoner returned to the Work Release Programme if appropriate. If the prisoner is found guilty, he/she will not be eligible for recommendation to participate in the Programme for a minimum period of 12 months.
4.3 FURTHER CHARGES

If a prisoner is charged with a criminal offence while on the Work Release Programme he/she will be removed to Parramatta Gaol (men), or Mulawa Training and Detention Centre (women) pending a hearing. Programme Review Committees must re-assess the prisoners classification security rating based on the alleged offence and also his/her future placement pending the completion of Court proceedings. Should the prisoner be found guilty he/she will not be allowed to re-enter the Programme during the current sentence or any subsequent sentence. In the event of being found not guilty, the procedures outlined above for urinalysis should be followed.

WORK RELEASE II

DESCRIPTION

Work Release II is a programme within Work Release Proper that allows certain prisoners to participate in Weekend Leave.

Work Release II prisoners depart the Silverwater Complex on Friday a.m. for their usual daily employment. On completion of work they proceed to Weekend Leave with their families and are required to report back to Prison on Sunday by 10.00 p.m. or earlier, if the Superintendent so requires.

1.0 PURPOSE OF PROGRAMME

The purpose of Stage 11 Work Release, is to:

1.1 Release beds in the normal prison system to alleviate over-crowding throughout all prison classifications.

1.2 To fully utilise the P.D.C. facilities seven days each week as opposed to two days.

1.3 To psychologically condition prisoners to accept responsibilities of their family unit on discharge. This is achieved by permitting Work Release Stage 11 prisoners to proceed home on leave each weekend during the last three (3) months of their sentence.

1.4 To re-establish family ties.

1.5 To install money management, by permitting Work Release Stage 11 prisoner, retaining their weekly wages whilst on the programme.
2.0 CRITERIA FOR SELECTING PRISONERS TO TAKE PART IN THE WORK RELEASE II PROGRAMME.

2.1 Prisoners serving indeterminate sentences will not qualify for entry into the Work Release II Programme.

2.2 A Work Releasee applying for placement on Work Release II Programme must have satisfactorily served a qualifying period as determined by the Superintendent and Programme Review Committee.

2.3 Work Releasees applying for Stage II must have had at least one Weekend Leave without incident. (Ref. 7.0 Day Leave & Weekend Leave Programme).

2.4 A Work Releasee when applying for entry into Work Release II Programme must have in his/her prison "Private Cash" account sufficient funds (the amount to be determined by the Superintendent) to pay cost of accommodation and meals for 12 weeks. Stage II prisoners wishing to expend other money held in their prison "Private Cash" must make special application to the Superintendent.

2.5 Work Releasees when applying for entry into the Work Release II Programme must do so on the appropriate application form no later than six weeks prior to their earliest entry date i.e. 4½ months prior to date of release.

2.6 Work Releasees when applying for entry into the Work Release II Programme must submit with the application a recent photograph of their prospective sponsor. (Ref. 9.0 Day Leave & Weekend Leave Programme).

2.7 Placement on Work Release II Programme will be for the last three (3) months of a Work Releasees sentence.

2.8 When considering a Work Releasee for entry into Work Release II Programme consideration is to be given to any adverse notations, misconducts or breaches of discipline committed by the prisoner while on the Work Release Programme.

2.9 When considering an application for entry into the Work Release II Programme consideration is to be given to the stability of the relationship that exists between the prisoner and the intended sponsor.

2.10 Any prospective sponsor must, in the opinion of the Superintendent, be a fit and proper person to fulfill all the obligations of sponsorship. The Superintendent has the discretion to approve any sponsor from 11. (below) providing the sponsor, during the last ten years, has not been convicted of offences relating to drugs or crimes of violence or who has not served a term of imprisonment. However, where the prospective sponsor is the spouse/partner or parent/guardian in these circumstances, he/she may be considered and approved for sponsorship, providing the Superintendent and the Programme Review Committee are satisfied that the rehabilitative benefits for the prisoner far outweigh any other consideration.
In these particular cases, the spouse/partner or parent/guardian should be interviewed by the Superintendent or his nominee and a detailed report submitted before being recommended by the Programme Review Committee, and approved by the Superintendent.

2.11 With the exception of the spouse/partner or parent/guardian (an established de facto relationship of over 6 months prior to imprisonment will be considered), sponsors must be over the age of 25 years. A sponsor should be a member of the inmate’s immediate family, e.g. spouse/partner, parent or guardian with a stable home environment.

2.12 Work Releasees applying for entry into the Work Release II Programme must have an approved residential address within a reasonable distance of the Work Release facility. The Superintendent has the discretion to decide what is reasonable taking into account, mode of travel etc.

2.13 Should an occasion arise where the sponsor is unavailable due to some unforeseen event, an alternative pre-arranged and approved sponsor may be used and normal Weekend Leave conditions are to apply.

2.14 Should an alternative sponsor not be available, accommodation will be provided at the Norma Parker or Silverwater Work Release Centre. In this event all money in the prisoners possession in excess of an amount determined by the Superintendent is to be surrendered to the Gate Keeper for lodgement into his/her "Private Cash" account.

2.15 All applications for Sponsorship and entry into the Work Release II Programme will be considered by the Norma Parker/Silverwater Work Release Centre’s Programme Review Committee and its recommendations will be forwarded to the respective Superintendents for approval.
EDUCATIONAL

AND

INDUSTRIAL TRAINING

PROGRAMMES
EXTERNAL PROGRAMMES
(EDUCATION & INDUSTRIAL TRAINING)

INTRODUCTION

Selected prisoners may be permitted as part of his/her rehabilitation programme to attend External Education and Industrial Training programmes subject to meeting certain conditions. A prisoners inclusions in this programme will always be subject to the specific requirements imposed by security considerations, public safety and policies as outlined by The Department of Corrective Services and the Minister of the day.

The following policy directive is issued for the information of all officers.

1.0 ESSENTIAL CRITERIA

1.1 Prisoners must hold a 'C2' rating and must have consistently performed at above average levels in conduct, industry and/or training without adverse incident before they are eligible to apply for External Educational or Industrial Training programmes.

1.2 Approvals for entry on the External Educational or Industrial Training programmes must be given by the Superintendent on the recommendation of the Programme Review Committee. A Section 29 Order will be issued by the Superintendent only when a C3 has been granted by the Classification Committee at Long Bay. This Committee must sight all documentation, in relation to External Educational or Industrial Training before granting a C3.

1.3 Prisoners who are under the jurisdiction of the Serious Offenders Review Board will have their applications for External Educational & Industrial Training programmes determined by the Director General following a recommendation from the Board. The Superintendent in conjunction with the Programme Review Committee may also make recommendations on behalf of these prisoners to participate in these programmes. The recommendations and all supporting documentation are to be mailed to the Serious Offenders Review Board for consideration.

2.0 BREACH OF RULES

2.1 Prisoners either on or eligible for those programmes who record a positive urinalysis result will not be eligible for consideration for External Educational or Industrial Training programmes for a period of 12 months.
2.2 In the event of a minor breach while on these programmes further participation in the programmes will be at the discretion of the Superintendent. However, should the breach be of a serious nature the prisoner should be reviewed by the Programme Review Committee with a view to increasing his/her security classification. If the Programme Review Committee recommends that the prisoner's security rating be increased and the Superintendent agrees, all papers relating to the decision are to be sent to the Classification Committee for approval. An increase in security rating above C3 will automatically suspend the prisoner from the programme. The Prisoner would not be considered for further inclusion in the programme unless the Superintendent and the Programme Review Committee approves a further programme and the Classification Committee reduces the prisoners security rating to C3.

2.3 However if a prisoner is charged with a criminal offence while on the Programme he/she will be removed to a secure institution pending a hearing. Programme Review Committees must re-assess the prisoners classification security rating based on the alleged offence and also his/her future placement pending the completion of Court proceedings. Should the prisoner be found guilty he/she will not be allowed to re-enter the Programme during the current sentence or any subsequent sentence. In the event of being found not guilty, the Programme Review Committee should re-establish the prisoners former security classification and arrange to have the prisoner returned to the programme.

3.0 PROCEDURES FOR ADMISSION

3.1 All applications for participation in an External Education course or Training programme are to be made through the local Programme Review Committee.

3.2 Approval to participate in one External programme does not imply entitlement to enrol in another. Each application must be considered on its merits by the Programme Review Committee.

3.3 The Programme Review Committee is required to assess the relevance of the requested external programme to the future employment prospects of the inmate concerned.

Whilst enrolment in technical college or other courses which are not vocationally oriented may be considered, there must be an expectation that successful completion of the course will enhance the prisoner's future employment prospects.

Enrolment in courses which do not meet this criteria, such as where the course is directed primarily at satisfying the personal interests of the inmate, will not be permitted.
Details of the proposed programme must be clearly recorded in the documentation forwarded to the Classification Committee and must include:

- name and location of the technical college, art school, etc., where the course is conducted;
- attendance particulars;
- a list of any special requirements of the proposed programme (e.g., field days, excursions, etc.);
- duration of the programme.

(See Annexure A.)

Where a favourable recommendation by the Programme Review Committee is made to the Superintendent, he must satisfy himself that the requirements of this policy directive are met before approving the recommendation.

The papers, including a report from the prisoner's Superintendent or the Superintendents nominee e.g. Probation and Parole Officer; Welfare Officer; Education Officer, etc., with details of any specific safeguards considered necessary, are to be forwarded to the Classification Committee (or Executive Officer, Serious Offenders Review Board, in the case of life sentence prisoners) for consideration before a C3 is granted.

When the C3 classification has been approved only then may the Superintendent issue a Section 29 Order.

A prisoner released under Section 29 of the Prisons Act for educational attendance must sign the order referred to in Section 29 (1) of the Act.

A prisoner released under Section 29 of the Prisons Act for industrial training must sign the permit referred to in Section 29 (2) of the Act.

**SPECIAL CONDITIONS FOR INDUSTRIAL TRAINING:**

1. Approval for participation in the industrial training programme will be for maximum of **2 days a week**.

2. Participation in the industrial training programme will not be available to prisoners at the Silverwater Prison Complex as it conflicts with the Work Release Programme.

3. A prisoner undertaking industrial training from the Malabar Training Centre will not be able to continue participation in this programme if transferred to the Silverwater Prison Complex for entry into the Work Release Programme.
4.4 All applications for participation in the industrial training programme must be accompanied by :-

- A comment from the Superintendent stating whether the application is approved including reasons.

- A documented employment inquiry establishing the bona fide of the employers, the genuineness of the offer and arrangements for payment and transport. The employment inquiry should be undertaken by the Senior Education Officer or, if there is no Education Officer at the institution, by an officer nominated by the Superintendent.

- A letter from the prospective employer indicating willingness to employ the inmate and accept the conditions laid down by the Department.

- A report from the applicant’s Superintendent or the Superintendents nominee which should include any specific safeguards the officer considers are necessary.

- Any other information considered by the applicant or the Superintendent to be relevant in support of the application. This may include details of conviction, date of expiry of minimum term, expected date of release, security rating, date of classification and participation in any other external programmes.

Employers are required to remit the earnings of an inmate employed under the industrial training programme to the inmate’s institution for crediting to the inmate’s private cash account. It is not permissible for the employer to hold such monies in trust.

For audit purposes, documents supporting wage/salary payments made by the employer (and deductions, if any) must accompany the money to be credited to the inmate’s private cash account. This would include the pay advice slip. The prisoner will receive a receipt for the amount so credited.

The Department will deduct the cost of fares, meals and incidental expenses from the inmate’s wages.
| MIN. NO:                          | ................................................................. |
| NAME OF PRISON:                  | ................................................................. |
| NAME OF PRISONER:               | ................................................................. |
| COURSE INTENDED:                | ................................................................. |
| VENUE OF COURSE:                | ................................................................. |
| DAY(S) OF WEEK:                 | ................................................................. |
| HOURS OF LECTURES:              | ................................................................. |
| TRANSPORT TO: (HOURS)           | ................................................................. |
| TRANSPORT FROM: (HOURS)         | ................................................................. |
| FIELDWORK:                      | YES ☐ ☐ NO ☐ ☐ |
| WORKSHOPS:                      | YES ☐ ☐ NO ☐ ☐ |
| COURSE COMMENCES:               | ................................................................. |
| COURSE CONCLUDES:               | ................................................................. |

**APPROVED/NOT APPROVED**

.................................................................................................................................

.................................................................................................................................

SENIOR EDUCATION OFFICER          SUPERINTENDENT
.................................................. ..................................................
# SUMMARY OF OLD AND NEW POLICY

## FOR TEMPORARY LEAVE PROGRAMMES

(Day Leave, Weekend Leave, Work Release Education and Industrial Training)

<table>
<thead>
<tr>
<th>OLD</th>
<th>NEW</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. <strong>CLASSIFICATION</strong>&lt;br&gt;Prisoner has to be a C3 classification before approval is given for any Temporary Leave Programme.</td>
<td>1. Prisoner has to be a C2 classification before applying for a Temporary Leave Programme.&lt;br&gt;(C3 will only be approved by the Classification and Placement Committee following No.2 below)</td>
</tr>
<tr>
<td>2. <strong>APPROVAL</strong>&lt;br&gt;Temporary Leave Programmes are approved by the Manager or Deputy Manager of Prisoner Classification.</td>
<td>2. The programme is approved by the Superintendent. The classification is approved by the Classification Committee Long Bay. Temporary Leave Programmes are approved by the Superintendent following a recommendation from the Programme Review Committee. All documentation is then submitted to the Classification and Placement Division which may or may not approve a C3 classification for participation in a particular programme.</td>
</tr>
<tr>
<td>3. <strong>TIME RESTRICTION</strong>&lt;br&gt;Prisoner must either be:&lt;br&gt;(i) within 12 months of the effective date of release or&lt;br&gt;(ii) have served 50% of sentence whichever is least, before a C3 is granted for any Temporary Leave Programme.</td>
<td>3. Time served or to be served no longer a criterion. The decision to grant C3 a is not limited by time constraints, but based on objective information and reports from professional and custodial officers as to the rehabilitation needs of the inmate. <strong>EXCEPTIONS</strong>&lt;br&gt;A prisoner convicted of a drug offence and serving a MAXIMUM sentence of 7 years or more.&lt;br&gt;A prisoner convicted of a violent sexual offence.&lt;br&gt;A prisoner convicted of a violent crime involving actual or potential danger to life or use of a dangerous weapon or with a history of such offences.&lt;br&gt;A prisoner who is considered a habitual criminal.&lt;br&gt;These categories will remain under the old policy as far as time restrictions apply.</td>
</tr>
<tr>
<td>4. <strong>PARTICIPATION</strong> and continuation in these programmes rests with the central controlling body of Classification.</td>
<td>4. Participation and continuation in these programmes to be decided by case management i.e. by local Superintendent and Programme Review Committee.</td>
</tr>
<tr>
<td>5. Prisoners may be removed and classification increased, if performance deteriorates, by the central controlling body of Classification.</td>
<td>5. Prisoners may be removed at the discretion of the Superintendent who may allow them to continue in the programmes up to a maximum of three breaches of discipline. However, any prisoner convicted of an internal drug related offence will be removed from the Programme and will not be considered for re-entry for a period of 12 months from the date of the offence. Prisoners convicted of a criminal offence while on the programme will not be allowed to enter any Temporary Leave Programme during the sentence or any subsequent sentence.</td>
</tr>
<tr>
<td>OLD</td>
<td>NEW</td>
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<td>----------------------------------------------------------------------</td>
<td>----------------------------------------------------------------------</td>
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<tr>
<td><strong>6. DAY LEAVE</strong></td>
<td><strong>6. Day leave may be applied for at any time providing the prisoner has a C2 classification and may be granted day leave at intervals of not less than 28 days from the time a C3 has been granted.</strong></td>
</tr>
<tr>
<td>The first three day leaves may be granted at intervals of not less than eight weeks. Subsequently day leaves are at intervals of not less than four weeks.</td>
<td><strong>In isolated camps day leave may be granted at intervals of not less than fourteen days.</strong></td>
</tr>
<tr>
<td><strong>7. TIME SPAN for day leave shall be from 8.00 a.m. to 5.00 p.m.</strong></td>
<td><strong>7. Time span for day leave shall be from 8.00 a.m. to 8.00 p.m. subject to the discretion of the Superintendent who may require a prisoner to return earlier due to staffing rosters.</strong></td>
</tr>
<tr>
<td><strong>WEEKEND LEAVE</strong></td>
<td><strong>8. In these cases the time span is approved by the Superintendent within time period specified in the Act, Regulations and Instructions following approval by the Classification and Placement Committee to a prisoner's C3 rating.</strong></td>
</tr>
</tbody>
</table>
| **8. Time span for weekend leave is for a period of 3 consecutive days.** Superintendents have the delegation to issue a permit for such leave (Section 29(2)a) providing they have prior approval of the Manager of Classification.** | **9. Weekend leave in isolated camps is permitted twice per month from 4.00 p.m. Friday to 10.00 p.m. Sunday. The Superintendent has the discretion to vary the number of weekend leaves and to determine the hours of weekend leave within this overall time period in order to suit his/her work rosters.**  
**Prisoners may not participate in two day leaves and two weekend leaves in any four week period.**  
**They may opt for one day leave and one weekend leave if they so choose and the Superintendent approves.** |
| **9. Weekend leave in isolated camps is restricted to one weekend per month from 4.00 p.m. on Friday to 4.00 p.m. on Sunday.** | **10. All Work Releasees are eligible for one weekend leave per month or one day leave per month as a means of assessing suitability for the Work Release II Programme. For Work Release II participants the old policy to be followed.** |
| **SILVERWATER**                                                      | **11. In addition to the current detailed assessment of a sponsor, in future prior to any prisoner proceeding on a day leave or weekend leave, two passport size photographs of the intended sponsor must be produced prior to the leave being approved. This is to enable Gatekeepers etc., to identify sponsors signing prisoners in an out on leave. This will also assist officers to identify sponsors when home checks on prisoners are being carried out while they are on leave.**  
**Where no sponsor can be procured a prisoner may go in the company of another prisoner's sponsor and at the Superintendent's discretion.** |
| **10. WEEKEND LEAVE (Work Release II)**                              | **12. Where a "letter of interest" from the Department of Immigration appears on a prisoner's file the prisoner in question will not be permitted to undertake any Temporary Leave Programme until a definite assurance in writing is received from the Department of Immigration stating that the prisoner will not be deported at the expiration of his/her sentence. (Bulletin 87. PLY 44/1)** |
| Weekend leave is available every weekend during the last 3 months of sentence to every work release providing certain standards of conduct and industry have been maintained over a considerable period. | **Proof of age and identity must be sighted by the Superintendent/Duty Officer e.g., Drivers Licence Birth Certificate**  
**Prisoners may not participate in two day leaves and two weekend leaves in any four week period.**  
**They may opt for one day leave and one weekend leave if they so choose and the Superintendent approves.** |
| **11. SPONSOR**                                                      | **11. In addition to the current detailed assessment of a sponsor, in future prior to any prisoner proceeding on a day leave or weekend leave, two passport size photographs of the intended sponsor must be produced prior to the leave being approved. This is to enable Gatekeepers etc., to identify sponsors signing prisoners in an out on leave. This will also assist officers to identify sponsors when home checks on prisoners are being carried out while they are on leave.**  
**Where no sponsor can be procured a prisoner may go in the company of another prisoner's sponsor and at the Superintendent's discretion.** |
| Proof of age and identity must be sighted by the Superintendent/Duty Officer e.g., Drivers Licence Birth Certificate | **Proof of age and identity must be sighted by the Superintendent/Duty Officer e.g., Drivers Licence Birth Certificate**  
**Prisoners may not participate in two day leaves and two weekend leaves in any four week period.**  
**They may opt for one day leave and one weekend leave if they so choose and the Superintendent approves.** |
| **12. DEPORTATION**                                                 | **12. Where a "letter of interest" from the Department of Immigration appears on a prisoner's file the prisoner in question will not be permitted to undertake any Temporary Leave Programme until a definite assurance in writing is received from the Department of Immigration stating that the prisoner will not be deported at the expiration of his/her sentence. (Bulletin 87. PLY 44/1)** |
| When a Deportation Order is received from the Department of Immigration the inmate concerned is not to be taken off all outside activities. The Superintendent is empowered to use his discretion in respect of this, taking into consideration the nature of the offence, date of release, behaviour, trustworthiness etc. | **When a Deportation Order is received from the Department of Immigration the inmate concerned is not to be taken off all outside activities. The Superintendent is empowered to use his discretion in respect of this, taking into consideration the nature of the offence, date of release, behaviour, trustworthiness etc.** |