NEW SOUTH WALES
DEPARTMENT OF CORRECTIVES SERVICES

Inmate Classification & Case Management Branch
Newington House
Silverwater Correctional Complex
Inmate Classification & Case Management Branch

DCS – MISSION STATEMENT

Reduce re-offending through secure, safe and humane management of offenders

Why do we have a Classification System?

Security / Containment;
- Adjustment to incarceration
- Indication on what level of Risk to staff/inmates
- Risk of escape
- Community Protection

Treatment;
- Risk of re-offending
- Criminogenic needs
- Responsibility
- Community reintegration

Separation;
- Female/male
- Young Adult Offenders
- Mental illness
- Intellectual disability
- Aged & Frail
- Long term/short term.
- Special Needs Group (NESB, ID, YAO, Females, Aboriginals)
Inmate Classification & Case Management Branch

Two Classification systems for Male & Female, Why?

LEGISLATION – MEN – Clause 22 of Crimes (Administration of Sentences) Regulation 2001:

"(1) Each male inmate must, for the purposes of security and developmental programs, be classified by the Commissioner in one of the following categories:

Category AA: Those who, in the opinion of the Commissioner, represent a special risk to national security and should at all times be confined in special facilities within a secure physical barriers that includes towers or electronics surveillance equipment.

Category A1: Those who, in the opinion of the Commissioner, represent a special risk to good order and security and should at all times be confined in special facilities within a secure physical barrier that includes towers or electronic surveillance equipment.

Category A2: Those who, in the opinion of the Commissioner, should at all times be confined by a secure physical barrier that includes towers, other highly secure perimeter structures and electronic surveillance equipment.

Category B: Those who, in the opinion of the Commissioner, should at all times be confined by a secure physical barrier.

Category C1: Those who, in the opinion of the Commissioner, should be confined by a physical barrier unless in the company of an officer.

Category C2: Those who, in the opinion of the Commissioner, need not be confined by a physical barrier at all times but who need some level of supervision.

Category C3: Those who, in the opinion of the Commissioner, need not be confined by a physical barrier at all times and who need not be supervised.

Clause 11 (1) states

"An inmate who has committed an "escape offence" in New South Wales or elsewhere must, for the purposes of security and developmental programs, be classified by the Commissioner as either an E1 or E2 or A1, A2 or B, depending upon the date on which the inmate committed the "escape offence".

3
Inmate Classification & Case Management Branch

LEGISLATION – WOMEN – Clause 23 of Crimes (Administration of Sentences) Regulation 2001:

"Each female inmate must, for the purposes of security and developmental programs, be classified by the Commissioner in one of the following categories:

Category 5: Continuous supervision

Those who, in the opinion of the Commissioner, represent a special risk to national security and should at all times be confined in special facilities within a secure physical barriers that includes towers or electronics surveillance equipment.

Category 4:

Those female inmates who, in the opinion of the Commissioner, should at all times be confined by a secure physical barrier.

Category 3: General supervision

Those female inmates who, in the opinion of the Commissioner, should be confined by a physical barrier unless in the company of a correctional officer or some other person authorised by the Commissioner.

Category 2: Minimum supervision

Those female inmates who, in the opinion of the Commissioner, need not be confined by a physical barrier at all times but who need some level of supervision by a correctional officer or some other person authorised by the Commissioner.

Category 1: Monitored

Those female inmates who, in the opinion of the Commissioner, need not be confined by a physical barrier at all times and who need not be supervised."

The provisions of Clause 11(1) apply to women who have committed an escape offence.
(Ref. Section 20 - Escape Policy)
SECURITY RATINGS - MALE

A2 / E1
MAXIMUM
↓

B / E2
MEDIUM SECURITY
↓

C 1
MINIMUM SECURITY
↓

C 2 (S6.2 on/off complex)
MINIMUM SECURITY
↓

C 3
“EXTERNAL PROGRAMS”
DAY & WEEK-END LEAVE
WORK RELEASE
INDUSTRIAL TRAINING

Note: AA & A1 Security Ratings relate to special category inmates
SECURITY RATINGS - FEMALE

CATEGORY 4 / E1
MAXIMUM
↓

E2
MEDIUM SECURITY
↓

CATEGORY 3
MINIMUM SECURITY
↓

CATEGORY 2 (S6.2 on/off complex)
MINIMUM SECURITY
↓

CATEGORY 1
"EXTERNAL PROGRAMS"
DAY & WEEK-END LEAVE
WORK RELEASE
INDUSTRIAL TRAINING
"TRANSITIONAL CENTRES"

Note: Cat 5 Security Rating relate to special category inmates
Inmate Classification & Case Management Branch

STATUS OF OFFENDERS:

SENTENCED and UNSENTENCED

POPULATION - As at 11 December 2007 - Full time custody 9549

Total Male Offenders 8842
Total Female Offenders 707

- 23 Correctional Centres within the State of NSW that house and accommodate Minimum Security Inmates
- 12 Correctional Centres within the State of NSW that house and accommodate Medium Security Inmates
- 9 Correctional Centres within the State of NSW that house and accommodate Maximum Security Inmates
EXTERNAL LEAVE PROGRAMS FOR INMATES SUBJECT TO DEPORTATION/REMOVAL ORDERS

Inmates of interest to immigration

When the nationality and/or the visa status of an inmate is unclear, s/he is not to be considered for C2 / C3 / Cat2 / Cat1 security level until written confirmation clarifying the status of that inmate is obtained from the Department of Immigration & Citizenship (DIAC).

Unlawful non-citizens and temporary visa holders

Unless exceptional circumstances suggest otherwise (refer to s18.1.15.3), no inmate should be considered for progression beyond C1 / Cat3 or for the issuing of a section 6(2) 26 Order enabling work or program activity outside a correctional centre.

Lawful non-citizens

Inmates who are lawful non-citizens having been granted an Australian Permanent Residency visa, including special category visa, but who have never been naturalised, may be considered for a section 6 (2) 26 Order/Leave Permit enabling work or program activity outside a correctional centre. Such inmates may progress to C3/Cat1 security level.

Advice from the DIAC should be included with documentation to the Serious Offender Review Council (SORC) for the Commissioner in the case of serious offenders and public interest inmates applying for C3 / Cat1 security level. In the case of all other inmates who are seeking approval for a classification progression to C3 / Cat1, advice from the DIAC should be included in the documentation to the Directors’ Review Committee.

General

Additional caution must be applied with respect to any inmate within this category being considered for progression, having regard to the additional incentives to escape for inmates facing uncertainty about being removed or deported.

Where the DIAC notifies the Department and/or the inmate that s/he will be removed or deported from Australia at the completion of his/her custodial sentence, the inmate is to be regressed to a security classification no lower than C1 / Cat3, and any section 6(2) 26 Order/Leave Permit is to be revoked.
Inmate Classification & Case Management Branch

Where the DIAC has issued an inmate with a Notice of Intention to Cancel their visa, any section 6(2) 26 Order/Leave Permit is to be withdrawn and the inmate moved to a location of a C1 / Cat3 security standard. A regression in classification is not automatic. The inmate is to remain in such a location pending a final decision by the DIAC on the inmate’s status.

**Definition of 'Serious Offender'**

A 'serious offender' is an inmate identified in section 3 of the Crimes (Administration of Sentences) Act 1999. Apart from the initial classification and placement, a 'serious offender' is not subject to classification and placement decisions by local gaol Case Management Committees and Teams. These decisions are reserved for the Commissioner who acts following a recommendation from the SORC.

Section 3 of the Act defines a 'serious offender'. For the purposes of defining who is and is not a 'serious offender' the following guidelines are to apply:

- A 'serious offender' is one who:
  
  (a) An offender who is serving a sentence for life, or
  
  (b) An offender who is serving a sentence for which a non-parole period has been set in accordance with Schedule 1 to the Crimes (Sentencing Procedure) Act 1999, or
  
  (c) An offender who is serving a sentence (or one of a series of sentences of imprisonment) where the term of the sentence (or the combined terms of all of the sentences in the series) is such that the offender will not become eligible for release from custody, including release on parole, until he or she has spend at least 12 years in custody, or
  
  (d) An offender who is for the time being required to be managed as a serious offender in accordance with a decision of the sentencing court, the Parole Board or the Commissioner, or
  
  (e) An offender who has been convicted of murder and who is subject to a sentence in respect of the conviction, or
  
  (f) An offender who belongs to a class of persons prescribed by the regulations to be serious offenders for the purposes of this definition.
Inmate Classification & Case Management Branch

Note: Inmates who are classified as Category AA/Cat 5 are prescribed to be serious offenders, as referred to in paragraph (f) of the definition of serious offender in section 3 (1) Act.

Definition of a “Public Interest” Inmate

The Commissioner refers those inmates to the PRLC who are not serious offenders but whose participation in work / program activities off the correctional centre complex/property may not be in the public interest. A public interest inmate is defined in section 18 of the Operations Procedure Manual and is one who:

**Drugs**
- An inmate convicted of an offence or offences prescribed in Part 2 Division 2 of the Drug Misuse and Trafficking Act 1985 No 226 (as amended) where such conviction is upon indictment for which he/she is currently serving a sentence with a non parole period of or a fixed term of more than 5 years.

*This category is to include commercial and non-commercial quantities of prohibited drugs.*

- An inmate convicted of an offence or offences prescribed in Part 2 of the Crimes (Traffic in Narcotic Drugs and Psychotropic Substances) Act 1990 for which he/she is currently serving a sentence with a non parole period of or a fixed term of more than 5 years.

**Sex Offences**
- An inmate convicted of a sex offence against a person under the age of 16 years for which he/she is currently serving a sentence with a non parole period of or a fixed term of more than 18 months; or

An inmate convicted of a sex offence against a person over the age of 16 years for which he/she is currently serving a sentence with a non parole period of or a fixed term of more than 3 years; or

An inmate who has been convicted of two (2) or more counts of sexual offending, within the past 10 years, against any person regardless of the age of the victim. This inmate may be serving currently a sentence for any offence.
Inmate Classification & Case Management Branch

Definition of a “Public Interest” Inmate Con’t

An inmate convicted of a sex offence including pornography or prostitution offences against a person under the age of 16 years for which he/she is currently serving a sentence with a non parole period of or a fixed term of more than 18 months; or

Manslaughter

- An inmate convicted of an offence of manslaughter for which he/she is currently serving a non parole period or a fixed term of more than 2 years.

Actual or Potential Bodily Harm/Solicit or Conspiracy to Murder

- An inmate convicted of an offence involving actual or potential bodily harm (Refer below) for which he/she is currently serving a sentence with a non parole period of or a fixed term of more than 3 years; or

- An inmate convicted of an offence involving the use of a dangerous weapon for which he/she is currently serving a sentence with a non parole period of or fixed term of more than 3 years;

In assessing whether an offence involves actual or potential bodily harm the CMT and the CMC must have regard to the Judge's Remarks on Sentence. The kinds of offence which may apply include, but are not limited to, the following:

- Threatening life of a person;
- Wounding with intent to do bodily harm or resist arrest;
- Discharge loaded firearm with intent;
- Maliciously cause dog to inflict grievous bodily harm or actual bodily harm;
- Causing a grievous bodily disease; and
- Administering poison.
Inmate Classification & Case Management Branch

Definition of a “Public Interest” Inmate Cont’d

**Fraud/Corrupt Behaviour/Extortion** - An inmate convicted of fraudulent behaviour, false pretences or corrupt conduct, extortion from within one (1) or more of the following industries: investment, banking, finance, insurance, or from a private or listed company or from a Government Agency/Statutory Authority for which he/she is currently serving a sentence with a non parole period of or a fixed term of more than 3 years.

**Driving Offences** - An inmate convicted of one (1) or more of the following, for which he/she is currently serving a non parole period of or a fixed term of more than 18 months:

- Dangerous driving causing death
- Aggravated dangerous driving causing death
- Dangerous navigation occasioning death
- Aggravated dangerous navigation occasioning death
- Dangerous driving occasioning grievous bodily harm (GBH)
- Aggravated dangerous driving occasioning grievous bodily harm
- Dangerous navigation occasioning GBH
- Aggravated dangerous navigation occasioning GBH
- Driving with intent to menace
- Predatory driving

Aggravated circumstances include those where an inmate has been under the influence of alcohol or drugs or was attempting to evade police.

**Employee of a Criminal Justice Agency** - An inmate convicted of an offence committed while the inmate was an employee of a criminal justice agency, whether or not the offence was work related.
Inmate Classification & Case Management Branch

Definition of a “Public Interest” Inmate Con’t

**Elected Government Representative/Employee of a Criminal Justice Agency**
- An inmate convicted of an offence committed while the inmate was an elected government representative or an employee of a criminal justice agency, whether or not the offence was work related.

**Pervert the Course of Justice**
- An inmate convicted of one (1) or more of the following, for which he/she is currently serving a non parole period of or a fixed term of more than 2 years:
  - Perjury
  - Threatening a witness
  - Giving false information to a court or an enquiry

**Illegal Sale of a Dangerous Weapon or Substance**
- An inmate convicted of an offence involving the illegal sale of a dangerous weapon or substance to be used in the manufacture of explosives for which he/she is currently serving a sentence with a non parole period or fixed term of more than 3 years.

**Status Conferred by Commissioner**
- An inmate who, in the opinion of the Commissioner, is of public interest.

Delegation of the Director, Classification & Case Management

With regard to each of the categories of offences above, and any other offences, the Director of Classification is delegated a general discretion with regard to the inclusion and exclusion of any inmate.

A prisoner sentenced in another country and an interstate prisoner who may from time to time serve all or part of his/her sentence in NSW may, at the discretion of the Director of Classification be classified as a public interest inmate.
EXTERNAL PRE-RELEASE LEAVE PROGRAMS

Section 26 of the Crimes (Administration of Sentences) Act 1999 states:

(1) The Commissioner may issue a permit (a local leave permit) allowing an inmate to be absent from a correctional centre:

(a) on such conditions and for such period as may be specified in the permit, and

(b) for such purpose as the Commissioner considers appropriate.

(2) Without limiting subsection (1) (b), the purposes for which a local leave permit may be issued including the following:

(f) enabling an inmate to apply for work or attend an interview with an employer or prospective employer,

(g) enabling an inmate to attend a place of education or training in connection with any course of education or training in connection with any course of education or training,

(h) enabling an inmate to engage in employment specified in the permit,

(i) enabling an inmate to have weekend leave,

(j) enabling an inmate to reside at a transitional centre,

(k) enabling an inmate to attend tuition or perform work in connection with a course of education or training being undertaken by the inmate,

(l) in the case of a female inmate who is the mother of a young child or young children, enabling the inmate to serve her sentence with her child or children in an appropriate environment.
 CASE MANAGEMENT

Responsibility: All Members of Staff

Legislation/Policy: Refer Inmate Case Management Policy.

The case management of inmates is departmental policy. It is a collaborative, multi-disciplinary process which assesses, plans, implements, co-ordinates, monitors and evaluates options and services to meet an individual's needs. Case management is the process which links all the elements involved in an inmate's management. It unifies procedures and personnel to balance departmental resources and an inmate's needs. As a management structure it co-ordinates the processes of assessment, case planning, classification, security, as well as linking the roles of individuals - such as Case Offices and Inmate Development Services (IDS) staff - into teams. As a way of meeting inmates' needs case management is a flexible tool for planning goals and monitoring on-going progress. Case management also ensures the documentation of an inmate's interaction with departmental staff in that it provides a record of an inmate's changing needs, security requirements and progress, and so sets the framework in which problems can be addressed. It is the primary structure which links all the activities of staff and inmates within the correctional environment.

Every inmate will be part of the case management process from the time of reception into the Department's custody until cessation of that period of custody.

The principles of case management underlie the procedures that follow in this manual.

Case management means the adoption of the following practices:
- Treating each inmate as an individual rather than as an anonymous member of a group
- Developing case plans which are based on an individual inmate's assessed risk and criminogenic needs
- Developing case plans in consultation with the inmate
- Ensuring case plans contain clear, achievable goals and time frames with the overall aim of preparing an inmate for re-entering the community
- Encouraging positive and significant interaction between staff and inmate and the accurate recording of this on the case management file
- Recognising and rewarding goal achievements in conduct and behaviour, courses completed, skills acquired, counselling undertaken
- Ensuring transparent, equitable and ethical management practices
- Appointing Case Officers to inmates where appropriate
- Providing specialised assistance, such as language assistance and support for inmates with disabilities, where required
CASE MANAGEMENT Con't

- Providing essential information in an appropriate language and format (e.g., Interpreter Service for deaf and hearing impaired inmates - Refer section Inmates with Disabilities)
- Providing appropriate support for inmates with disabilities (Refer section Inmates with Disabilities)

The focus of case management is on inmates as individuals. All inmates must have a case plan developed for their time in custody, irrespective of the sentence length. The inmate must be part of his/her case plan development process.

The case plan is a description of key issues involved in an inmate's management. It is a document prepared by the Case Management Team, with the inmate, and it specifies the tasks, actions, strategies, and resources required to work with the inmate. It will require minimal to intensive involvement from the inmate and staff depending on the circumstances and needs of the inmate.

The case plan must be developed bearing in mind the eventual release of the inmate back into the community. It specifies a number of things including:

- Any special needs
- Who will be co-ordinating and monitoring the plan
- The indicators used to measure how well goals are achieved
- The nature and frequency of supervision
- The long, medium, and short term goals for an inmate
- The sort of changes expected from the inmate and time frames.

In developing an inmate's case plan, staff must take into consideration risk factors (of escape; to staff; to other inmates; to self; to the community) and the criminogenic needs of the inmate. Equity needs and any 'political sensitivity' must also be considered.

Inmates must be encouraged to become the prime mover in the case management process in that they develop strategies to address any/all criminogenic needs and reduce assessed risk factors through participation in appropriately focussed programs.
In most cases, inmates are allocated by a Case Management Team to individual members of staff (Case Officers) in a correctional centre (Refer sections Case Management Procedures and Case Management Team. These staff members have responsibility for providing support and, where necessary, assistance to the inmate in fulfilling the requirements of his/her case plan. They have the responsibility, along with other staff, of recording by way of case note reports in the case management file, the inmate's progress towards the goals specified in the case plan. The information on this file is used to provide evidence of the inmate's progress, as well as suitability for access to programs and services. This file is also used in assessing suitability for progression through the classification categories and, in some cases, Parole.

The Department's Through care practice is to be reflected throughout the case management process in the individual case plans of inmates. The continued link to the community is essential in the case planning process. A significant element is the intention to have inmates who meet the criteria participate in External Leave Program(s) prior to release from custody. Such intention is to be reflected in all case plan developments and reviews throughout the inmate's sentence.
PROGRAMS IN CUSTODY FOR OFFENDERS

Various Correctional Centres around the State are able to offer a number of specific programs in order to allow Offenders the opportunity to address their offending behaviour and reduce the risk of re-offending. Specific programs are also required to be undertaken by the Offenders at the request of the Sentencing Court – Magistrate, Judge, SORC and its sub-committee’s or the Parole Board.

Programs also offer the opportunity for Offenders to develop and learn new work skills as well as prepare for eventual release back to the community.

PROGRAMS:

INMATES WITH INTELLECTUAL DISABILITY

SEX OFFENDER PROGRAM (MSPC)

SPECIALISED YOUNG MALE ADULT OFFENDERS PROGRAM (John Morony & Oberon)

IVANHOE (WARAKIRRI) CENTRE PROGRAM / BREWARRINA (YETTA DHINNAKKAL) CENTRE

MOTHERS AND CHILDREN PROGRAM - Emu Plains

TRANSITIONAL CENTRE (Parramatta & Emu Plains)

MALABAR SPECIAL PROGRAMS CENTRE (VOTP, Art Unit, Crisis Unit (KWU & ACMU)

EXTERNAL LEAVE PROGRAMS: DAY LEAVE, WEEK-END LEAVE, EDUCATIONAL LEAVE, WORK RELEASE.
Classification Guide and Security/Custody Evaluation (Objective Security Rating)

A classification instrument used by the department to assist in assigning inmates an appropriate security/custody level. The classification instrument incorporates numerically weighted custody classification criteria and a scoring objective rating to achieve a resulting proposed custody level. The classification criteria include the following factors:

Public/Community Risk Criteria
(1) Crime Severity; (2) Extent of Violence; (3) Use of Weapon(s); (4) History of Violence; (5) Escape History; (6) Time left to serve; and (7) Remand Warrants/Detainers.

Correctional Centre Risk Criteria
(1) Frequency of institutional misconduct; (2) Severity of institutional misconduct; (3) Primary program compliance, case plan participation; (4) Gang affiliation; (5) Substance abuse; and (6) Age.

Security/Custody Levels:
One of three levels of supervision assigned to each inmate through initial screening and classification review procedures:

1. Maximum Security/Custody - An inmate assigned this custody level presents a high risk of escape, violence, and/or disruption to the safe, secure, and orderly operation of a Correctional Centre facility. Inmates committed with a sentence of Life will be scored or overridden to maximum custody.

2. Medium Security/Custody - An inmate assigned this custody level presents moderate risk of escape, violence, and/or disruption to the safe, secure, and orderly operation of a Correctional Centre.

3. Minimum Security/Custody - An inmate assigned this custody level presents minimal risk of escape, violence, and/or disruption to the safe, secure, and orderly operation of a Correctional Centre.
Inmate Classification & Case Management Branch

Deputy Managers determine the inmate's initial custody classification at the MRRC & Parklea CC. The initial classification document incorporates an offence severity scale classification criteria and a scoring (custody evaluation) objective rating. The classification criteria include public risk and institutional risk questions. There are three levels of custody: minimum, medium and maximum. The classification system is designed so all inmates have the opportunity for reduced classification and placement within the system, but is dependent upon favourable conduct coupled with compliance and progress with crimonognic needs in the Inmate Case Plan.

A Case Management Team (CMT) meeting is conducted every six months with every inmate. The CMT review sentence length, detainers, sentence reduction criteria, release dates, program needs, case plan involvement, custody level, gang involvement/security threat groups, association or other types of security conflicts and any other concerns pertinent to the inmate. The CMT analyse and interpret reports, program participation results from the Inmates Case File and review all pertinent file information which is utilized to develop the inmate’s case plan.

The inmate case/transition plan prioritises a set of action steps to help ensure the inmate develops skills essential to becoming a productive citizen at their next institution and for the return to society. The inmate's case/transition plan is designed to systematically address personal and professional barriers such as alcohol and drug addictions, anger management /violence issues, health issues, education and work skill deficiencies. In short, the case/transition plan focuses on essential treatments, basic education, work-based education, and work options while maximizing institutional resources to focus the inmate to become a more accountable and responsible member of Community.

Document prepared by:

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Ph: 9289 5034
Commissioner’s Memorandum
No: 2006 / 38

To: Board of Management
Commanders
Executive Directors, Community Offender Services

For the information of all staff

Subject: Replacement of Commissioner’s Memorandum 2006/28 - Inmates of Interest to Immigration

This Memorandum is to replace Commissioner’s Memorandum 2006/28 effective immediately.

Commanders and General Managers are required to bring to the attention of relevant staff current policy relating to inmates of interest to the Department of Immigration and Multicultural Affairs (DIMA).

Enquiries in relation to these matters may be directed to the contact officer listed below.

The following departmental policy in relation to inmates who will, or may be removed (deported) from Australia at the cessation of their custodial sentence, became effective from 1 November 2005 and is incorporated into the November 2005 Interim Classification Placement and Procedures Manual.

The details of this policy regarding specific groups of inmates are below:

Progression to C3/CAT1:

1 Unlawful Non-Citizens

Unless exceptional circumstances suggest otherwise, no inmate should be considered for progression to C3/Category 1, or for the issuing of a section 6(2)/26 order enabling work or program activity outside a correctional centre. Such inmates should not progress beyond C1/Category 3 security level. Unlawful non-citizens include those holding a visitors visa, a student visa, a study visa, a work
visa and illegal immigrants. Additional visa types may place the inmates in this category.

2 Criminal Justice Stay Visa

Unless exceptional circumstances suggest otherwise, no inmate should be considered for a progression to C3/Category 1 or for the issuing of a section 6(2) / 26 order enabling work or program activity outside a correctional centre. Such inmates should not progress beyond C1/Category 3 security level. When this type of visa expires, a removal order is issued.

3 Lawful Non-Citizens

Inmates who are lawful non-citizens and have a permanent visa (usually resident or special category) but who have never been naturalised, may be considered for a section 6(2) / 26 order enabling work or program activity outside a correctional centre. Such inmates may progress to C3/CAT1 security level but only after approval by the Commissioner for a serious offender/public interest inmate or the Directors’ Committee for all other inmates. Recent advice from the DIMA should be included with documentation to the SORC in the case of serious offenders and public interest inmates, or to the Directors’ Committee in the case of all other inmates.

Where the DIMA notifies the Department and/or the inmate that he/she will be removed from Australia at the completion of his/her custodial sentence, the inmate is to be regressed to a security classification no lower than C1/Category 3, and any section 6(2) / 26 order / leave permit should be revoked immediately. The lodging of an appeal to DIMA by the inmates is not sufficient to stop this regression from occurring.

Where the DIMA notifies the inmate that he/she is to provide reason(s) for not being removed at the completion of his/her custodial sentence, any section 6 (2) / 26 order / leave permit is to be withdrawn and the inmate moved to a location of a C1/CAT3 security standard. The inmate is to remain in such a location pending a final decision by the DIMA in relation to the inmate’s status. A regression in classification is not automatic.

Exceptional Circumstances

Exceptional circumstances will be considered by the Commissioner for serious offenders only when the inmate’s application outlining exceptional circumstances is supported in writing by the General Manager of the centre in which the inmate is accommodated, and after the Commissioner considers a recommendation from the SORC.
Exceptional circumstances for non-serious offenders will be considered by the Directors’ Committee. This will only occur when the application from the inmate outlining the exceptional circumstances is supported in writing by the General Manager of the centre in which the inmate is accommodated.

**General**

Careful consideration is to be given to the type of visa an inmate may have, and confirmation from DIMA is required in written form in all circumstances. The possession of a bridging visa enabling work in the community is not sufficient when considering an inmate’s immigration status.

When known, the alert screen should indicate whether the inmate is a lawful non-citizen or an unlawful non-citizen. All officers of the department are responsible for ensuring such an alert is raised when such information becomes known.

R. Woodham
Commissioner
May 2006

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<th>Contact Officer:</th>
<th>Terry Halloran</th>
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