20.2 – EXTERNAL LEAVE PROGRAMS

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20.2. External Leave Programs

20.2.1. General

External Leave Programs comprise:

Part 1 – Escorted
- Work off the complex/property of a centre
- Participation in sporting or other supervised programs off the centre complex/property

The type of External Leave Program in which an inmate may participate is determined by his/her security classification as indicated below:

<table>
<thead>
<tr>
<th>Escorted External Leave Programs</th>
<th>Male inmates: C2 security classification with a Section 6(2) Off or Section 26 permit.</th>
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<tbody>
<tr>
<td></td>
<td>Female inmates: Category 2 security classification with a Section 6(2) Off or Section 26 permit.</td>
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<table>
<thead>
<tr>
<th>Unescorted External Leave Programs</th>
<th>Male inmates: C3 security classification.</th>
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<tbody>
<tr>
<td></td>
<td>Female inmates: Category 1 security classification.</td>
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Part 2 – Unescorted
- Day Leave
- Weekend Leave
- Work Release
- Education Leave
- Vocational Training
- Life Skills i.e. Alcoholics Anonymous, Gamblers Anonymous and Finance Management
- Industrial Training/Work Experience
- Community Based Projects

It is not a requirement to have had a Section 6(2)/26 order issued prior to consideration for participation in an unescorted External Leave Program.

It is not a requirement to undertake Day Leave prior to participation in another External Leave Program, with the exception of Weekend Leave.

In the case of an inmate managed by the Serious Offenders Review Council (SORC) or a sub-committee, such as the Pre-Release Leave Committee (PRLC), the Manager/Deputy Manager, Classification and Placement refers all documentation to the SORC or the sub-committee with a recommendation for consideration, including the type of External Leave Program/s proposed. The SORC/sub-committee will then, after consideration, make recommendation(s) to the Commissioner who will approve/not approve participation.

20.2.2. Case Management and Classification Approval Process

Section 26 of the Crimes (Administration of Sentences) Act 1999 provides that the Commissioner (or his/her delegate) may issue a local leave permit allowing an inmate to be absent from a correctional centre on such conditions and for such a period as specified in the local leave permit.
The case management and classification approval process for External Leave Programs is consistent with the standard case management and classification procedures for all inmates. Corrective Services staff should refer to the Offender Classification & Case Management Policy & Procedures Manual for a more detailed account of the requirements.

The CMT will consider an inmate’s case management plan and make a recommendation to the General Manager/Manager for his/her classification to C3/Category1 and therefore suitability for participation in unescorted External Leave Programs. All relevant documentation must be attached to the recommendation. Where an inmate has a registered victim, the Case Management and Classification Review Co-ordinator must contact the Coordinator Victim’s Register, Restorative Justice Unit, and await a reply regarding any response from the victim(s), required within 21 days, to that Unit before proceeding.

Following the CMT’s recommendation to the General Manager/Manager for C3/Category1 the Classification and Case Management Review Coordinator, Correctional Manager, Case Management, Classification and Placement (GEO) or Case Management Supervisor (GEO) must submit a Criminal Record Inquiry/Request for Information (Offenders) form to the Corrections Intelligence Group (CIG).

The result of the CIG’s inquiry must be taken into consideration by the General Manager/Manager when making his/her recommendation to the Manager/Deputy Manager, Classification and Placement and particulars must be conveyed with relevant documentation to the Manager/Deputy Manager, Classification and Placement.

Provided the inmate is not under the management of the SORC or one of its sub-committees, the Manager/Deputy Manager, Classification and Placement may approve the recommendation for a reduction in classification to a C3 (male inmate) or Category 1 (female inmate). This will enable the inmate to be considered for participation in unescorted External Leave Programs.

Following the classification decision, if approved, the intelligence and security checks report is to be shredded. If the classification decision is not approved, the intelligence and security checks report is to be kept for a period of time to allow, if the inmate wishes, a written application requesting a review/appeal and the report will be added as part of the package. Once the review/appeal has taken place the intelligence and security checks report is to be shredded.

Where the Manager/Deputy Manager, Classification and Placement rejects the recommendations of the CMT, the inmate may make application for a review in accordance with the procedures set out in the Offender Classification & Case Management Policy & Procedures Manual.

The time frame from the date the CMT makes its recommendation to the final approval/non approval for C3/Category1 classification by the Manager/Deputy Manager, Classification and Placement, should not exceed 28 days. In the case of an inmate managed by the SORC or a sub-committee, the Manager/Deputy Manager, Classification and Placement refers all documentation, including the result of the Criminal Record Inquiry from the CIG, to the SORC or the sub-committee with a recommendation, including the type of unescorted External Leave Program/s proposed, for consideration and ultimate determination by the Commissioner.

Once the appropriate program has been identified, the Criminal Record Inquiry (Non Offenders) form is to be completed.

Work release / employment checks will be coordinated by the External Monitoring Group, Security and Intelligence Division.

Sponsorship checks for day and weekend leave will be completed directly via the CIG and include COPS/Intel and Lawpoint checks which are then forwarded directly to the General Manager/Manager by email.

The General Manager/Manager must consider any CIG response/ Community Corrections Division recommendations prior to signing the Section 26 Local Leave Permit authorising participation in unescorted External Leave Program/s.

**20.2.3. Candidacy for External Leave Programs**

The eligibility criteria outlined below are common to all unescorted External Leave Programs.
Participation in unescorted External Leave Programs should be identified as a case plan goal at the time of initial classification of the inmate. The inmate’s willingness to participate in the program should be canvassed at this stage, the procedures for entry outlined, and the benefits of the program explained. The inmate’s case plan should reflect steps leading to future participation.

Primary candidates for Unescorted External Leave Programs are inmates who are:

- effectively serving a sentence of three years or more and whose release will be determined by the State Parole Authority at the expiration of any non-parole period;

**NOTE:** Male inmates with a non-parole period or fixed term of 4 years or more should be placed into a Camp location normally for a minimum period of 12 months on obtaining a C2 classification in preparation for progression to C3 and participation in External Leave Programs, unless he is deemed unsuitable. Inmates must have normally addressed program requirements prior to Camp placement if such a placement does not offer the possibility for such participation.

Camp placement as a C2 for inmates assessed as eligible and suitable for such a placement is a prerequisite for progression to C3.

All Corrective Services staff, in their decisions, advice and recommendations are to be mindful of the following:

- Public interest and safety;
- Public confidence in the administration of criminal justice;
- Sentencing comments and recommendations of the sentencing court (when available);
- Registered victim(s)
- Any prior breaches by the inmate. Prior breaches must be carefully considered, including:
  - Removal from an escorted/unescorted external leave program when serving a previous sentence, and/or
  - Previous breaches of parole, recognisance/bond or bail conditions.

It is essential that staff making such decisions or providing advice and recommendations are confident that participation in escorted and unescorted External Leave Programs will assist the inmate in achieving a successful reintegration into normal community life.

Correctional centre staff must ensure that inmates are familiar with the support services available at the centre prior to placement on Unescorted External Leave Program.

### 20.2.4. Leave Plans

Before an inmate commences participation in an unescorted leave program, a written Leave Plan is to be approved by the General Manager (can be designated by the General Manager to Manager of Security in cluster correctional centres) or by the SORC (for Serious Offenders) or PRLC (for Public Interest Inmates).

The Leave Plan is to contain all relevant information pertaining to the inmate’s leave conditions, for example, time frames; locations; sponsor; employer.

### 20.2.5. Eligibility Criteria and Time Frames for Unescorted External Leave Programs

#### 20.2.5.1 C3/Cat1 Eligibility Criteria

In order to be considered for an unescorted external leave program as a C3/Cat1, an inmate must:

- Be Sentenced to -
  - 12 months or more FXD/NPP
  - 6 months or more for Special Need Inmate groups; young adult offenders on YAO Program, intellectual disability if supported by Statewide Disability Services SDS.

- Be clear of all court matters which may result in a change to EPRD on current sentence(s), including Crown Appeal, and on outstanding matter(s) until finalised.

  - An inmate **IS** eligible when he/she has lodged a Notice of Intention to Appeal
(NIA) and/or when an inmate’s appeal has been accepted for hearing/is being or/has been heard.

- Have completed half minimum term
- Have not been found guilty of a positive urinalysis charge during the three months immediately prior to the date of consideration by the Manager/Deputy Manager, Classification and Placement, for C3/Category1 progression.

20.2.5.2 Time Frames & Criteria for Unescorted External Leave Programs

- Work Release / Education Leave
  - Non-Serious Offenders – 2 YEARS from EPRD
  - Serious Offenders – Preparation for External Work / Education Leave – 2 YEARS from EPRD and Work / Education Leave 18 MONTHS from EPRD

- Day Leave / Weekend Leave
  - Inmates participating in Work Release / Education Leave – Day Leave each 28 DAYS 12 MONTHS from EPRD (18 MONTHS from EPRD for Inmates in a camp/farm location) progressing to weekend leave each week in the last 4 MONTHS from EPRD, after successful completion of 3 day leaves.
  - Inmates not participating in any external leave programs – Day Leave each 28 DAYS 9 MONTHS from EPRD progressing to weekend leave each week in the last 2 MONTHS from EPRD after successful completion of 3 days leaves.

NOTE:
- Camp placement – (Mannus / Glen Innes / Oberon / Brewarrina / Ivanhoe), Leave obtained is transferrable 12 months from EPRD when C3 is obtained in a camp; (for Young Adult Offenders after successfully completing the YAO Program at Oberon Correctional Centre.)
- Female offenders assessed as eligible and suitable for the Bolwarra Transitional Centre Program may be considered for progression to CAT1 outside of the listed time frames to enable participation in this Program.
- An Oberon Young Adult Offender Program Adult Nucleus Inmate will be eligible to apply for Day Leave each 14 days when deemed by the General Manager Oberon Cluster to have significantly contributed to the Young Adult Offender Program as an Adult Nucleus Inmate.

NOTE: SPECIAL CIRCUMSTANCES can be submitted to the Commissioner (Serious Offenders) / Director Classification, Placement and External Leave by the General Manager requesting External Leave outside the criteria or variation to leave frequencies. Special Circumstances may include, but not limited to: Traineeships being undertaken while a C3 classification, Community Projects, when unsupervised by CSNSW staff: Evidence based Compassion and Hardship.

20.2.6. Compulsory Drug Treatment Correctional Centre

Offenders in the CDTCC are placed onto this program at the direction of the Drug Court. These offenders are not classified under Regulation 22/24. Participation in each stage of the program is determined by stand alone criteria specific to and managed by the correctional centre.

There are 3 stages of compulsory drug treatment detention:
- Closed detention (Stage 1), and
- Semi-open detention (Stage 2), and
- Community custody (Stage 3)

Under Close Detention (Stage 1), the offender is to be kept in full time custody at the Compulsory Drug Treatment CC.

Under Semi-Open Detention (Stage 2), the offender is to be kept in the CDTCC and may be allowed to attend employment, training or social programs outside the centre (as specified in the offenders compulsory drug treatment personal plan).
Under *Community Custody (Stage 3)*, the offender may reside outside the centre at accommodation approved by the Drug Court (under intensive supervision).

### 20.2.7. Pre-Release Transitional Centres

**NOTE:** Refer to 26.18.2, 26.19.2 for detailed explanation of Transitional Centre purpose.

Inmates at Transitional Centres are held on a section 26 order. All movements out of Transitional Centres require a Local Leave Pass. Transitional Centres are established to support and encourage inmates to address their offending behaviour and to attend to their personal issues. Life at a Transitional Centre is designed to mirror community living and is undertaken in a community based facility. Inmates housed at these Centres are eligible for all Unescorted External Leave Programs. In addition, these inmates are able to access external networks through activities that they would normally access when living in the community. Examples of these activities are: shopping, visit to the hairdresser, doctor, family counselling, alcohol and drug counselling etc. The Manager of the Transitional Centre has delegation to approve these activities. All external activities of these inmates are subjected to relevant departmental policies and procedures and are also subject to compliance checking and electronic monitoring by the External Monitoring Group S&I Division.

Note: For removal of an inmate from a Transitional Centre, a report outlining the issue(s) must be forwarded to the Transitional Centre Manager (This delegation can only be exercised by officers with the same level of delegation, or a higher level of delegation, as the officer who issued the permit) and/or the Assistant Commissioner for revocation of the Section 26 Order. The inmate is then removed to a correctional centre where the Manager/Deputy Manager will review their classification, placement and case plan.

Cancellation of the Section 26 Order and placement within a more secure facility may be facilitated by the Transitional Centre Manager whenever required, but this does not negate the need for the review process outlined above to be completed by staff at the Transitional Centre from which the inmate has been removed.

### 20.2.8. Processing Applications for Inmates with Registered Victim(s)

**NOTE – An inmate is NOT to be advised that there is OR is not a registered victim**

The Classification and Case Management Review Coordinator, Correctional Manager, Case Management, Classification and Placement (GEO) or Case Management Supervisor (GEO) must contact and advise the Victims Register (Restorative Justice Unit) in writing before an inmate who is not a Serious Offender is considered for a C3/Cat1 whenever the alert screen in OIMS indicates there is a registered victim. The Secretariat of the SORC will advise the Victims Register in the case of a Serious Offender. The email address is restorative.justice@dcs.nsw.gov.au.

The CMT, Manager/Deputy Manager, Classification and Placement and the SORC Secretariat must wait for a response from the Victims Register before proceeding. Registered victims are given a minimum of 21 days from the date of the request to make a written submission.

A Registered Victims submission must not be filed on the inmate’s case file, it must be shredded after the CMT, Manager/Deputy Manager, Classification & Placement, have considered it.

The Victims Register only will maintain a record of the registered victim’s submission. Copies when relevant may be filed on SORC files maintained by the Council, but such copies must not be subject to external viewing – all enquiries including FOI requests must be forwarded to the Victims Register.

The Classification and Case Management Review Coordinator, Correctional Manager, Case Management, Classification and Placement (GEO) or Case Management Supervisor (GEO) must contact and advise the Victims Register once a decision has been made. The Secretariat of the SORC will advise in the case of a Serious Offender. The PRLC will advise in the case of a Public Interest Inmate.

If the decision is to approve participation in Unescorted External Leave, the registered victim(s) will not be advised regarding the detail of arrangements or occasions of participation for reasons of security.

If there is to be further consideration of a matter at a later date, further contact should be made with the Victims Register. The Classification and Case Management Review Coordinator, Correctional Manager, Case Management, Classification and Placement (GEO) or Case Management Supervisor (GEO) must once again contact the Victims Register when a decision is made in order that the registered victim(s) can be
20.2.9. Processing Applications for Inmates Identified as Sex Offenders

Prior to considering participation in the Unescorted External Leave Program, the Case Management Team (CMT) must ensure that a risk assessment has been undertaken and all other Corrective Services NSW policy requirements regarding unescorted external leave have been fulfilled.

NB – The results of the risk assessment must indicate that the inmate is not eligible/required to participate in a Sex Offender Program OR the inmate has successfully completed a CSNSW Sex Offender Therapeutic Program to be considered for progression to C3/Cat1.

20.2.10. Forensic Patients – Inmates within the Jurisdiction of the Mental Health Review Tribunal

Inmates who are identified as Forensic Patients will only be permitted to participate in unescorted External Leave Programs if a recommendation has been forwarded by the Mental Health Review Tribunal (MHRT) to the Minister for Health and the Minister has approved such. The Minister’s approval must then be referred to the Commissioner then to the PRLC or SORC.

With regard to approval for forensic patients to participate in escorted work/program activities outside a correctional centre, refer 19.1.4.7.

20.2.11. Serious Offenders and Public Interest Inmates

Serious Offenders and Public Interest Inmates will only be permitted to participate in unescorted External Leave Programs if the Commissioner has granted approval following consideration of recommendation(s) from the Serious Offenders Review Council (SORC) or its sub-committee the Pre-Release Leave Committee (PRLC) for such participation.

With regard to approval for Serious Offenders/Public Interest inmates to participate in escorted External Leave Programs refer to Sections 20.7.6.

With regard to approval for Serious Offenders/Public Interest inmates to participate in escorted work/program activities outside a correctional centre, refer to 19.1.4.5 and 19.1.4.6.

20.2.12. Inmates Convicted of Trafficking Prohibited Drugs or Substances into a Correctional Centre or Correctional Complex

Careful consideration of the circumstances of the offence and the potential rehabilitative benefits of unescorted external leave program participation must be given to inmates convicted of trafficking prohibited drugs or substances into a correctional centre or correctional complex when assessing eligibility for External Leave Programs. For example, consideration as to whether the inmate was stood over by another inmate.

20.2.13. Child Protection and Unescorted External Day/Weekend Leave

When child protection issues are evident and the inmate wishes to have contact with children while on Unescorted External Leave, the following must occur:

- The inmate must specify any children with whom they intend to have contact on day or weekend leave in their inmate application.
- Contact the Child Protection Coordinator and Support Unit (CPCSU) to identify whether a child-contact risk assessment has been done under CCAP and/or to seek advice CPCSU Coordinators: phone (02) 8346 1008 / 1009; email: child.protection@dcnsw.gov.au. A copy of the risk assessment report will be provided to the centre.
- If child visits have been approved under CCAP do not assume that this means there are no risks to a child on external leave programs. CCAP is only assessing visits which are well supervised environments.
- A Child Safety Check by the Family and Community Services (FACS, formerly Department of Community Services) may need to be requested if the offender intends to have contact with children during external leave. These checks are done under Section 248(1)(a) of the Children
and Young Persons (Care and Protection) Act 1998 which relates to exchanges of information. Contact the Coordinator CPCSU, who will either conduct the safety check on the centre’s behalf, or advise centre staff how to do it. FACS may take up to 20 working days to complete a Safety Check (CPCSU may have already conducted a Safety Check under CCAP).

- The external leave application can progress, pending the outcome of the Safety Check. If CPCSU agrees to conduct the check, you will need to provide the following information to the CPCSU either over the phone or by email:
  - Child carer’s name, DOB (this would usually be the sponsor)
  - Children’s name, DOB, address
  - Offender’s name, DOB
  - Brief Summary (issues, offences)
  - Staff member’s contact details

- If there is a history of domestic violence and the sponsor is the victim very careful consideration should be given as to whether this is appropriate and manageable, because children could be at risk of harm if the sponsor is not capable of managing the inmate.

- If a CCAP assessment has not been done by the CPCSU a risk assessment in relation to child contact will need to be conducted by the CPCSU. Depending on the offence this may also involve Director, Sex and Violent Offender Therapeutic Programs.

When child protection issues are evidence and child contact is sought the following conditions must be considered:

- Suitable supervision of the inmate by the sponsor is available at the time of any child contact
- Any other recommendations by the CPCSU, FACS and/or meeting/panels convened by CPCSU for the purpose of unescorted external leave programs.¹

NOTE – Inmates convicted of violent or sexual offences against children cannot be involved in organisations in their direct service delivery to children aged under 18 years e.g. child care centres, children’s hospital visitation, charitable/religious organisations.

20.2.14. Inmates Refusing to Provide or Returning a Urine Sample that Indicates Illicit or Non-Prescribed Drug Use While on Unescorted / Escorted External Leave Programs

Inmates refusing to provide or returning a urine sample that indicates illicit or non-prescribed drug use must be immediately reviewed by the CMT, which is to make a recommendation to the General Manager/Manager regarding action to be taken. Action can range from a warning to partial or total suspension from unescorted/escorted external leave programs for a period of time. The General Manager/Manager will determine any penalty to be imposed.

Transfer from the correctional centre should only occur if security or safety risks are apparent, or where there is likely to be a detrimental effect on the centre’s overall programs. In such cases, detailed reasons for the requested transfer should be provided to the Manager/Deputy Manager, Classification and Placement requesting that a transfer take place. Local management strategies such as Management Plans should normally be considered before a transfer to another correctional centre is requested.

20.2.15. Inmates with Unconfirmed Immigration Status

When the nationality and/or the visa status of an inmate is unclear, s/he is not to be considered for C3/Cat1 security level or the issuing of Section 6(2) On/Off or 26 orders, until confirmation clarifying the status of the inmate is obtained from the Department of Immigration and Border Protection (DIBP).

¹ When inmates have been convicted of violent or sexual offences against a child, the CPCSU may convene a meeting with the Coordinator Sexual and Violent Offenders Programs to ensure the inmate’s offending and child risk factors are assessed at which time specific recommendations/advice may be provided to the Centre.
20.2.15.1. Unlawful Non-Citizens and Temporary Visa Holders

Unlawful non-citizens, including holders of a Temporary Visa are designated as Public Interest inmates if not already designated as a serious offender. This particular category of inmate must apply through the PRLC for approval by the Commissioner, for C3/Category 1 progression. The General Manager may approve 6(2) ON warrant for an Unlawful Non-Citizen with a C1/Cat 3 classification to enable escort under direct supervision to a security work location on the correctional complex/property. The General Manager may approve a section 6(2) ON/OFF warrant for an inmate classified C2/C3/Cat 2/Cat 1.

Criminal Justice Visa

A Criminal Justice Visa is permission for a non-citizen to enter (Criminal Justice Entry visa) and/or remain temporarily (Criminal Justice Stay visa) in Australia for purposes relating to the administration of criminal justice.

What does ‘the administration of criminal justice’ mean?

The administration of criminal justice means:

- an investigation to find out whether an offence has been committed; or
- the prosecution of a person for an offence; or
- the punishment by way of imprisonment of a person for the commission of an offence.

What is a Criminal Justice Certificate?

A Criminal Justice Certificate is a document issued by a delegated official of a law enforcement agency that requires the entry and/or continued presence of a person in Australia for the purposes of the administration of criminal justice. A Criminal Justice Stay Certificate can only be issued to an unlawful non-citizen.

A Criminal Justice Certificate is not a visa and does not render the client a lawful non-citizen.

How long is a Criminal Justice visa valid for?

There is no set expiry date with this visa. However, a Criminal Justice Certificate must be cancelled by the relevant issuing authority once the visa holder’s presence in Australia is no longer required. This automatically cancels any associated Criminal Justice Visa.

Can a Criminal Justice visa holder be held in police custody or in jail?

Yes. A Criminal Justice visa holder may be subject to police custody and imprisonment through the course of the administration of criminal justice.

Do Criminal Justice visa holders have work rights?

A Criminal Justice Stay visa holder is permitted to work in Australia.

A Criminal Justice Entry visa holder is not permitted to work.

Do Criminal Justice visa holders have study rights?

The Act is silent when it comes to study rights for CJV holders. That is, study is not mentioned and therefore CJV holders are not precluded from having study rights.

What happens if the non-citizen is granted parole?

In the case of non-citizens who serve a sentence of imprisonment, the Criminal Justice Stay Certificate must be cancelled if the client receives a parole order. Parole does not fall under the definition of the administration of criminal justice as outlined under section 142 of the Migration Act 1958 for the purposes of Criminal Justice Certificates.
Can a Criminal Justice visa holder be granted bail?

The holder of a Criminal Justice visa can be granted bail and reside in the community. A Criminal Justice Certificate holder should not be bailed to immigration detention.

Can the non-citizen be removed because of the visa refusal?

No. The client cannot be removed while a Criminal Justice Certificate is in place.

Can the non-citizen depart voluntarily?

Yes. The issuing of a Criminal Justice Certificate and/or Criminal Justice visa does not prevent a person departing voluntarily.

What happens when criminal justice proceedings end?

The Criminal Justice Certificate must be cancelled when the non-citizen is no longer required for the purpose of that certificate.

The cancellation of the Criminal Justice Certificate causes the immediate cancellation of any associated Criminal Justice visa by operation of law. The non-citizen is then subject to compliance action, including immigration detention and removal.

Any further clarification can be sought from:

Criminal Justice visa Help desk: +61 2 6198 7007

Criminal Justice visa email: criminal.justice.visas@immi.gov.au

20.2.15.2. Lawful Non-Citizens

Inmates who are lawful non-citizens are those who have not been granted Australian citizenship but have been granted a visa which grants Permanent Residency (including Special Category, Spousal, Refugee, Protection Visa) in Australia. Such inmates progress in classification the same as all inmates.

Advice from the DIBP should be included with documentation to the Serious Offender Review Council (SORC) and the Pre-Release Leave Committee (PRLC) in the case of Serious Offenders and Public Interest Inmates.

20.2.15.3. Lawful and Unlawful Non-Citizens - General

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

Where the DIBP notifies the Department and/or the inmate that the decision has been made that their visa has been cancelled and they may be deported from Australia at the conclusion of their revocation process, the inmate is to be placed in a secure environment pending a risk assessment and any section 6(2) or 26 Local Leave Permit is to be revoked.

If a lawful non-citizen (permanent resident) has permanent residency visa cancelled by DIBP, the following procedures are to apply:

- Inmate is to be designated as a Public Interest Inmate unless already designated a Serious Offender.
- Case Management Team is to undertake an immediate review (within 72 hours) triggered by the visa cancellation of the inmate. Recommendation(s) of CMT to be forwarded to the MOSP, MOS and General Manager for consideration.
- When Corrrectional Centre Management after considering CMT Review recommendation(s) do not consider security risk has increased due to visa cancellation, and recommend that the inmate's classification and placement remain unaltered, this recommendation is to be forwarded to the Manager/Deputy Manager, Classification and Placement for determination (recommendation to
the SORC for a Serious Offender).

- When Correctional Centre Management after considering a CMT Review do not support continuation at current classification level and/or access to Section 6 Warrants or unescorted external leave participation when occurring, this recommendation is to be forwarded to the Classification Manager/Deputy Manager for a determination of his/her classification and placement (recommendation(s) to the SORC for a Serious Offender). The General Manager is delegated to revoke Section 6(2) On/Off and Section 26 Warrants.

- A permanent resident who has his/her residency visa cancelled by DIBP and is being recommended for a Section 6(2) On/Off is to be assessed by the General Manager. Section 26, C3/Cat1, recommendations are to be forwarded through to the Pre-Release Leave Committee who will then make recommendation(s) to the Commissioner for approval/non approval.

20.2.15.4. Exceptional Circumstances for Lawful / Unlawful Non-Citizens

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 considering a recommendation from the SORC.

20.2.16. Participation of Inmates on Methadone in Work Release and Vocational Training Programs

An inmate on the Methadone Program is not to be excluded from participating in Unescorted External Leave Programs if that is the only reason for considering exclusion. Requirements of the Methadone Program (contact Justice Health – Long Bay) include stability, ongoing monitoring, and urine testing of the inmate.

As a rule, there are no additional restrictions on employment other than those applicable to all inmates participating in the Work Release and Vocational Training Programs. However, relevant Justice Health staff may recommend restrictions on the type of work performed by inmates on the Methadone Program.

An inmate will be suspended immediately from participating in an Unescorted External Leave Program if s/he enters the Methadone Program after having commenced the program. The inmate may re-enter the program when the preceding policy requirements have been satisfied.

20.2.17. Security and Intelligence Division

The External Monitoring Group in partnership with Security Operational Group, Security and Intelligence Division is tasked with conducting unannounced home visits on offenders participating in the External Leave Program across New South Wales. This group also manages those offenders undertaking external employment opportunities, and from time to time provides additional support to other CSNSW divisions.

This group also has carriage of Electronic Monitoring, Drug Court Programs, Work Release Checks, Day Leave and Education Leave Checks.

Scope

The scope of the Security and Intelligence Division will involve electronic and compliance monitoring of the following programs/orders including, but not limited to:

- Community service orders
- Unescorted External Leave Programs, and
- Community Supervision Orders approved by the Drug Court

NOTE – Electronic Monitoring assists in the monitoring compliance to Unescorted External Leave Orders. Inmates must agree to electronic monitoring as a condition of approval for participation in an Unescorted External Leave Program. Inmates are permitted to be on an Unescorted External Leave Program without electronic monitoring where it is not available or otherwise deemed as non-operational.

20.2.18. Approval for Participation in External Leave Programs

Section 26 of the Crimes (Administration of Sentences) Act 1999 provides that the Commissioner (or his/her delegate) may issue a Local Leave Permit allowing an inmate to be absent from a correctional centre on
such conditions and for such a period as specified in the local leave permit. Prior to an inmate proceeding onto an approved Unescorted External Leave Program:

- The General Manager/Manager must ensure that prospective sponsors undergo an OIMS check, verifying the relationship. This will be completed at the correctional centre.
- The General Manager/Manager will forward all inmate C3 Criminal Record Inquiry/Request for Information (Offenders) and inmate sponsor Criminal Record Inquiry (Non-Offenders) forms directly to the Corrections Intelligence Group (CIG).
- The CIG will conduct a database and criminal history check and report directly to the General Manager by email.
- Once the General Manager/Manager has approved the inmate’s C3/Cat1 application and/or the inmate sponsor application, a copy of the General Manager’s signed approval on the CRI request is to be forwarded (emailed preferable) together with one passport photo of the inmate and sponsor/s to the Manager, External Monitoring Group, Security and Intelligence Division. The sponsor’s name must be on the back of his/her photos and the inmate’s Master Index Number (MIN) must be on the back of all the photos.
- Local Leave Permits issued must be read to the inmate (and sponsor for day/weekend leave) by an officer who will certify in writing that this has been done, and the inmate (and sponsor when appropriate) must sign the form.
- Where the leave is not taken or alterations to an order become necessary the order must be returned to the General Manager/Manager for cancellation, amendment, variation or re-issue as required.
  - Completed Application for Weekend Leave forms are to be emailed by the close of business on the Wednesday prior to the weekend leave period, to External Monitoring Group, Security and Intelligence Division address being wrp@dcs.nsw.gov.au
  - All inmates must sign an acknowledgement of unescorted External Leave Program rules.

Note – The General Manager/Manager may delegate authorities delegated to him/her in regard to the issuing of a local leave permit to the Manager of Security at the correctional centre in which the inmate is accommodated.

20.2.19. Monitoring and Evaluation

- Responsibility for signing Local Leave Permits rests with the General Manager/Manager at each correctional centre/centre.
- Managers, Offender Services and Programs / Employment are to ensure that records of initiatives, meetings and actions taken to progress eligible inmates into unescorted External Leave Programs are maintained on the inmate’s case file.
- Case files and/or OIMS must document participation in Unescorted External Leave Programs.
- Inmates participating in Unescorted External Leave Programs must be strip-searched on a random basis on returning to the centre. At least 10% of the inmates must be strip-searched on a random basis each day and all inmates must have been strip searched during a 2-month period. Inmates will also be subject to urinalysis and breath testing in accordance with Corrective Services NSW instructions.

Note – The General Manager/Manager, in authorising the inmate’s participation, must have regard to the security and protection of the community.