

Australian Capital Territory

Corrections Management (COVID-19 Temporary Leave) Operating Procedure 2020

Notifiable instrument NI2020-256

made under the

Corrections Management Act 2007, s14 (Corrections policies and operating procedures)

1 Name of instrument

This instrument is the *Corrections Management (COVID-19 Temporary Leave) Operating Procedure 2020*.

2 Commencement

This instrument commences on the day after its notification day.

3 Operating Procedure

I make this operating procedure to facilitate the effective and efficient management of correctional services.



Jon Peach
Commissioner
ACT Corrective Services
01 May 2020



OPERATING PROCEDURE	COVID-19 Temporary Leave
OPERATING PROCEDURE NO.	D25.1
SCOPE	Alexander Maconochie Centre

PURPOSE

To outline the procedure for authorising and monitoring the temporary leave of a detainee from the Alexander Maconochie Centre (AMC) in response to the COVID-19 public health emergency.

PROCEDURES

1. Authority for temporary release

- 1.1. During the COVID-19 public health emergency, the Commissioner may give authority for the temporary leave of a detainee from the AMC for any purpose the Commissioner considers:
 - a. presents a significant and/or life-threatening risk to the health of a detainee;
 - b. is reasonably required to manage the personal risk of or from the transmission of COVID-19 in a correctional centre; or
 - c. in exceptional circumstances to fulfil carer responsibilities for an immediate family member who has been diagnosed with COVID-19 or is at significant risk if diagnosed and has no other carer option.
- 1.2. In exercising the powers under section 205 of the *Corrections Management Act 2007 (ACT)* the Commissioner will consider:
 - a. the risk to community safety;
 - b. the detainee's current assessed risks according to an LSIR, LSIR-SV, or Static-99 assessment where applicable;
 - c. the age of the detainee and any comorbidities or health conditions;
 - d. any serious immunosuppression concerns for the detainee;
 - e. the extent to which an appropriate level of supervision and care of the detainee is required and available in the community;
 - f. any available victim information; and
 - g. whether the decision would cause community distress.

2. Eligibility

- 2.1. The AMC General Manager will liaise with Justice Health Services regarding vulnerable detainees under sections 1.1(a)-(b), and where there is joint agreement this will be referred to the Senior Director Sentence Management for processing under section 3.
- 2.2. The Senior Director Sentence Management is also responsible for undertaking the processes in section 3 where a detainee provides a medical certificate advising that an immediate family member of the detainee has been diagnosed with COVID-19 and requires carer support until recovered, or is at significant risk if diagnosed and no other carer option is available.

3. Considerations

- 3.1. On the same business day of a trigger event under section 2.1, the Senior Director Sentence Management must request Justice Health Services to provide a *Section 77 Report* detailing:
 - the age of the detainee and any comorbidities or health conditions;
 - any serious immunosuppression concerns for the detainee; and
 - whether the detainee is currently receiving opioid replacement therapy.
- 3.2. For section 2.2, a *Section 77 Report* is not required for the detainee.
- 3.3. The timeframe for completion of the *Section 77 Report* and *D25.1.F1: Temporary Leave Form* is within three (3) business days of a trigger event under sections 2.1-2.2.
- 3.4. The Senior Director Sentence Management is responsible for completing the *D25.1.F1: Temporary Leave Form* and liaising with the Director, Intelligence and Integrity Unit, and the AMC General Manager to provide input.
- 3.5. On completion, the Senior Director Sentence Management will provide the *D25.1.F1: Temporary Leave Form* and *Section 77 Report* to the Commissioner for a decision.
- 3.6. Where the Commissioner has approved a detainee for temporary leave, the processes under section 4 will commence.
- 3.7. Where the Commissioner has refused leave under this section, the Senior Director Sentence Management will ensure that written reasons for the decision are provided to the detainee.

4. Temporary leave permit

- 4.1. A decision to authorise temporary leave of a detainee will be for a period determined by the Commissioner of no more than:
 - for health care, three (3) months
 - for compassionate reasons, 28 days.
- 4.2. Where the Commissioner has authorised the temporary leave, a *D5.F2: Local Leave Permit* will be issued for the detainee for a fixed period and subject to conditions.
- 4.3. The Commissioner may impose any conditions on the *D5.F2: Local Leave Permit* that are necessary and reasonable for the temporary leave.
- 4.4. The Senior Director Sentence Management will arrange for a detainee to be informed of a decision to authorise temporary release in writing within one (1) business day of the decision.
- 4.5. Where the detainee will be residing with a carer in the community, the carer will be informed of the decision in writing and the conditions of the temporary leave and what action to take if the detainee's conduct breaches the permit or causes concern.
- 4.6. Under section 4.5, the detainee's Sentence Management Officer must contact the carer to confirm they understand the conditions of the temporary leave prior to the detainee being permitted to leave the correctional centre.
- 4.7. The detainee's Sentence Management Officer must inform the Senior Director Sentence Management on the outcomes of contact with the carer under section 4.6.

5. Leave of a detainee from a correctional centre

- 5.1. The Officer-in-Charge must explain all conditions in full to ensure that a detainee is aware of and understands the conditions attached to their D5.F2: Local Leave Permit prior to the detainee departing the AMC.
- 5.2. The Officer-in-Charge will issue the D5.F2: Local Leave Permit to the detainee for signature. Once signed, the Officer-in-Charge will make a copy of the permit to be placed on the detainee's electronic record system.
- 5.3. The detainee must be advised to carry the D5.F2: Local Leave Permit on their person at all times during the temporary leave.
- 5.4. Where it is not reasonable for the Officer-in-Charge to complete sections 5.1-5.3 in relation to a detainee due to their health condition, the Officer-in-Charge will note this on the permit and place on the detainee's person.
- 5.5. Where the detainee is being collected by a carer as a part of the arrangements for the temporary leave, the Officer-in-Charge must brief the carer on the conditions and responsibilities required by the D5.F2: Local Leave Permit. The Officer-in-Charge should be satisfied that the carer understands the conditions of the permit and the requirement to be contactable at any time on the telephone number provided.

6. Reporting

- 6.1. The Senior Director Sentence Management will prepare a weekly report to the Commissioner on detainees accessing temporary leave under this procedure, including but not limited to:
 - a. confirmation of detainee/carers contact specified under this policy;
 - b. time remaining on a detainee's leave permit, noting any within two (2) weeks of expiry;
 - c. any information on the detainee's health condition, where applicable for detainees at a health facility or residing with a carer.
- 6.2. Where a detainee is within two (2) weeks of the expiry of their leave permit, the Commissioner may consider a renewal of the leave permit for a period under section 4.1. When considering a renewal, the Commissioner will request an update from the Senior Director Sentence Management.
- 6.3. Where the Commissioner has authorised the renewal of a detainee's temporary leave, the Senior Director Sentence Management will make arrangements for:
 - a. a copy of the renewed D5.F2: Local Leave Permit to be provided to the detainee; and
 - b. the conditions of the permit to be explained in full to the detainee, and their carer where applicable.

7. Temporary leave monitoring

- 7.1. The Commissioner may determine the need for monitoring of a detainee and the associated frequency.
- 7.2. A detainee's Sentence Management Officer is required to maintain regular contact with a detainee, or the detainee's carer or health care provider, no less than once (1) each week during the temporary leave.
- 7.3. All contact must be minuted and recorded on the detainee's electronic record system.

- 7.4. Where a Sentence Management Officer is unable to make contact under section 7.2 after attempting for one (1) day, this must be immediately reported in writing with details of all attempted contacts to the Senior Director Sentence Management for consideration and action as necessary in accordance with the Incident Reporting, Notifications and Debriefs Policy.
- 7.5. Where a Sentence Management Officer or any other staff member suspects that a detainee has breached the conditions of their D5.F2: Local Leave Permit, they must immediately notify their Divisional Executive, Senior Director Sentence Management and the Commissioner in accordance with the Incident Reporting, Notifications and Debriefs Policy.

8. Revocation or breach of a temporary leave permit

- 8.1. The Commissioner may revoke a D5.F2: Local Leave Permit and direct for a detainee to return to the AMC at any time and for any reason.
- 8.2. Decisions under section 8.1 may be made in consultation with Canberra Health Services for detainees at a health facility.
- 8.3. Where there is no longer a requirement for a detainee to receive temporary leave relating to COVID-19, the Commissioner will revoke the D5.F2: Local Leave Permit and direct for the detainee to return to the AMC.
- 8.4. Following receipt of a notice under sections 7.5, 8.1 or 8.3, the Senior Director Sentence Management will:
 - a. for detainees residing in the community:
 - 8.4.a.1. inform the AMC General Manager, or Duty Manager in their absence, that the detainee's permit has been revoked and the timeframe in which they must report to the AMC;
 - 8.4.a.2. inform the detainee, or their carer, that the detainee's permit has been revoked and they must report to the AMC Gatehouse and make themselves known to a staff member within four (4) hours of notification;
 - 8.4.a.3. inform Canberra Health Services that the detainee's permit has been revoked and they will be escorted to the AMC at a specified time; and
 - b. notify ACT Policing and provide them with all relevant information.

9. Return to the AMC

- 9.1. Where a detainee has failed to report to the AMC within the specified timeframe, including where a detainee has provided a reasonable excuse, the Officer-in-Charge must immediately notify the AMC General Manager and Commissioner.
- 9.2. The Officer-in-Charge must confirm with ACT Policing that the detainee has failed to return and is unlawfully at large in the community.
- 9.3. ACT Policing may arrest a detainee without warrant for failing to return to a correctional centre when directed.

RELATED DOCUMENTS AND FORMS

- D25.1.F1: Temporary Leave Form

- D5.F2: Local Leave Permit
- Temporary Leave Policy
- Access to Health Care Policy



Jon Peach
 Commissioner
 ACT Corrective Services
 01 May 2020

Document details

Criteria	Details
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Document owner/approver:	Commissioner, ACT Corrective Services
Date effective:	The day after the notification date
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Compliance:	This operating procedure reflects the requirements of the <i>Corrections Management (Policy Framework) Policy 2020</i>

Version Control			
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V1	April-20	First Issued	L Kazak