

Custodial Operations Policy and Procedures

19.5 Police and other law enforcement escorts

Policy summary

The NSW Police Force (NSWPF) share the responsibility with Court Escort Security Unit (CESU) for escorting sentenced and unsentenced inmates to court particularly in country NSW.

The General Manager (GM), CESU is responsible for approval of requests to interview an inmate at an outside location. If approved, a *section 25 Local leave order* must be raised and sent to the Governor of the correctional centre where the inmate is housed.

The CESU is responsible for conducting all *section 25 Order* escorts unless they do not have the resources to do so. In those circumstances the correctional centre who houses the inmate are required to conduct the escort.

Management of Public Correctional Centres Service Specifications

Service specification	Safety and security
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Scope

This section applies to all correctional centres and other facilities administered by or on behalf of Corrective Services NSW (CSNSW), and to all CSNSW employees.

For Security & Intelligence (S&I) staff, this policy must be read in conjunction with S&I Local Operating Procedures (LOPs).

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1 Police court escorts

1.1 Policy

The NSWPF has responsibility for escorting inmates to court in some locations around the state.

1.2 Procedures

	Procedure	Responsibility
1.	Before the escort proceeds, give the NSWPF: <ul style="list-style-type: none">• a list of the names of the inmates on the escort and retain a copy for CSNSW records• a copy of the warrant for the production of the inmates before the court with the inmate's photograph attached• a <i>'Do Not Release (DNR) form'</i> for each inmate where necessary (refer to COPP section 1.2 Reception – warrants and detainers)• the inmate's property (if required)• any medication supplied by the Justice Health & Forensic Mental Health Network (JH&FMHN).	Authorised officer
2.	Ensure the list of inmates clearly identifies their: <ul style="list-style-type: none">• surname• first name• Master Index Number (MIN)• whether the inmate presents a management problem• whether the inmate requires protection (must be indicated in red ink).	Authorised officer
3.	Receive signed receipt for inmate property from NSW Police.	Authorised officer

2 Interviews at other locations

2.1 Policy

Under the *Crimes (Administration of Sentences) Act 1999*, a *section 25 Order* may be issued for an inmate to attend an interview about an offence in a correctional centre (whether or not the inmate is suspected of having committed the offence) or to assist in the administration of justice. To request this order an *application for a local leave order* may be made by:

- a police officer or
- an officer of a law enforcement agency to interview an inmate or
- another government agency.

Inmates can be interviewed in line with a *section 25 Order* at the correctional centre or can be taken temporarily to be interviewed at a secure government agency location which may include the premises of the:

- Australian Criminal Intelligence Commission (ACIC)
- Independent Commission Against Corruption (ICAC)
- Australian Federal Police (AFP)
- NSW Police Force (NSWPF)

An interview under a *section 25 Order* can also be conducted at other locations such as:

- court cells
- local police stations
- crime scenes
- discreet locations.

An inmate must not refuse to meet with a visitor who is on official police/government agency business. However, they may refuse to participate in the interview.

The inmate must be given the opportunity to seek legal advice before the interview takes place.

During a section 25 escort, escort officers should ensure that the inmate does not conduct any unauthorised conversations or acquire unauthorised articles.

The CESU is responsible for conducting all Section 25 Order escorts unless they do not have the resources to do so. In those circumstances the correctional centre who houses the inmate are required to conduct the escort.

2.2 Application for a Section 25 Order Escort

An *Application for a local leave order* for a *section 25 Order* must be received from the external agency before the date of the interview to allow enough time for the necessary escort preparations to be made.

In the majority of cases, the Section 25 Coordinator CESU will receive the *Application for a local leave order* as correspondence and will advise Governors/Manager of Security (MOS) that an inmate is required for an interview outside the correctional centre. However, if the agency makes direct contact with correctional centre staff the Governor or delegate must advise them that:

- details must be provided of the offences the inmate may be implicated in or charges they may be facing, so that a risk assessment can be made of the inmate's current placement
- they must submit a written request explaining the reasons for interview, where and when they would like to hold the interview and the date and time of the interview
- the GM, CESU must approve the interview being held at a location outside the correctional centre and
- they can submit their request application electronically to the Section 25 Coordinator, CESU to expedite the process.

The contact details of this position are:

Section 25 Coordinator CESU:

Email: Section25s.csns@dcj.nsw.gov.au

2.3 Procedures

	Procedure	Responsibility
1.	<p>Inform the Governor of the correctional centre where the inmate is housed when the application to interview the inmate is approved.</p> <p>The inmate must not be given any details of the interview time, date and venue until the GM CESU has given this approval.</p>	Section 25 Coordinator CESU
2.	<p>Provide the MOS/Functional Manager (FM)/Officer in Charge (OIC) with the details of:</p> <ul style="list-style-type: none"> • any offence the inmate may be implicated in • charges they may be facing • time, date and venue of the interview and • staff responsible for undertaking the escort. 	Section 25 Coordinator CESU
3.	Approve the <i>section 25 Order</i> .	GM, CESU
4.	Send the approved <i>section 25 Order</i> to the correctional centre.	Section 25 Coordinator CESU
5.	<p>Conduct a risk assessment based on the information provided by the external agency in step 2.</p> <p>Secure the inmate (eg. prevent phone calls, escape, and communication with other inmates) before the risk assessment is conducted if the inmate holds a C1, C2, C3, Cat1 or Cat 2 security classification.</p> <p>Use the risk assessment to determine if the inmate needs to remain at the correctional centre:</p> <ul style="list-style-type: none"> • with no restrictions imposed on their movement • with restrictions imposed on movement outside the correctional centre (e.g. suspend external work, suspend external leave program, restricted to compound area), • but continue to be secured pending the outcome of the interview or • continue to be secured pending transfer to a more secure correctional centre. 	MOS/FM/OIC
	Procedure	Responsibility

6.	<p>Negotiate an alternative interview date, which is convenient to the police/government agency and CSNSW, if the resources to conduct the escort cannot be provided on the original date.</p> <p>This does not apply if the interview is for a formal hearing of:</p> <ul style="list-style-type: none"> • a Royal Commission • ACIC • ICAC <p>These escorts must proceed.</p>	CESU or Governor
7.	Liaise with the Assistant Commissioner Security and Intelligence Custody (AC, S&I) and the Director, Custodial Operations about the security arrangements.	GM, CESU
8.	<p>Issue the appropriate <i>section 25 Order</i> after first confirming it has been completed correctly and contains the relevant information to allow the inmate to be temporarily absent from the correctional centre.</p> <p>Officers must also familiarise themselves with the contents of the <i>section 25 Order</i>.</p>	Escort officer
9.	<p>Ensure:</p> <ul style="list-style-type: none"> • the inmate is secure during the interview • there are no points of egress other than the door to the interview room or • if there are multiple points of egress from the interview room they are secured or guarded by police or correctional officers. 	Escort officer
10.	Seek approval from the Governor/GM, CESU for an extension of time if the interview needs to continue past the time specified in the <i>Section 25 Order</i> .	Escort officer
11.	Approve / not approve extension of the escort.	Governor/GM CESU
12.	Return the inmate to the correctional centre immediately if the extension is not approved.	Escort officer
13.	Brief the Governor/GM, CESU of any incidents that occur during the escort or interview. Submit relevant reports.	Escort officer

3 Quick links

- [Related COPP](#)
- [Forms and annexures](#)
- [Related documents](#)

4 Definitions

ACIC	Australian Criminal Intelligence Commission
AC, S&I	Assistant Commissioner Security and Intelligence
AFP	Australian Federal Police
Authorised officer	The officer authorised by the Governor to perform the functions prescribed as part of the Custodial Operations Policy and Procedures.
CESU	Court Escort Security Unit
COPP	Custodial Operations Policy and Procedures
DNR – Do Not Release	An inmate appearing in court who has other detainers requiring their return to the correctional centre after court.
GM	General Manager
ICAC	Independent Commission Against Corruption
JH&FMHN	Justice Health & Forensic Mental Health Network
LOPs	Local Operating Procedures
MIN	Master Index Number
NSWPF	NSW Police Force
OIC	Officer in Charge
Remand Warrant	<p>A remand inmate is defined as a person who has either been unable to meet bail conditions or has had bail refused. This may also be in respect of appeal matters.</p> <p>As remand warrants will expire on the day the inmate appears in court, a new remand warrant or other form of detainer must accompany the inmate upon his/her return to the correctional centre.</p>
S&I	Security and Intelligence, a branch of CSNSW
Section 25 local leave order	An order under section 25 of the <i>Crimes (Administration of Sentences) Act 1999</i> requires the transfer of an inmate to a specified place to be interviewed by law enforcement officers or to assist in the administration of justice.

5 Document information

Business centre:	Custodial Operations
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Version	Date	Reason for amendment
1.0	22/06/18	COPP 19 Escorts was revised.
1.1	21/01/20	Inserted 'During a section 25 escort, officers should ensure that the inmate does not conduct any unauthorised conversations or acquire any articles of contraband' at [2.1] .
1.2	12/03/20	General formatting update and improvements
1.3	11/08/23	Amendment at subsection 2.1 <i>Policy</i> – removal of information indicating that CSNSW does not charge external agencies for escorts. Removal of outdated fax number at subsection 2.2 <i>Application for a Section 25 Order Escort</i> .
