Sentence Management
Corrective Services NSW

Governor's Report regarding placement of inmates

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1. Policy Statement

Correctional Centre placement is governed by clause 20 of the *Crimes (Administration of Sentences) Regulation 2014*. This clause outlines the mandatory factors the Commissioner (or delegate) must consider when placing an inmate into a specific correctional centre. The Commissioner (or delegate) must ensure all inmates have a correctional centre placement. Placement must consider correctional centre security and the safety of staff and inmates. Placement should support access to necessary treatment, program and/or service needs outlined in an inmate's case plan or service plan. Placement must support inmates to prepare for their legal proceedings including access to legal representatives, legal material, and court attendance. Correctional centre placement should be individualised, using a holistic and person-centred approach. Placement decisions should support rehabilitation and promote safe community reintegration.

Where a Governor has formed the opinion that an inmate is unsuitable for current or future placement within the correctional centre, they must provide a report to the Commissioner or their delegate for consideration, in accordance with clause 21 of the CAS Regulation 2014.

The report must contain reasons why the inmate is considered unsuitable for placement at the correctional centre.

Following the submission of the report, the clause 21/23 decision flow chart's will be utilised to determine the process for review.

The Commissioner or delegate must make a decision about placement after considering the report. The Commissioner is not bound by the recommendations in the report.

Where an inmate is determined as suitable for future or ongoing placement, the inmate's placement will remain the same.

Where the Commissioner (or delegate) determines the inmate is unsuitable for future or ongoing placement, a placement determination pursuant to the considerations of clause 20 of the CAS Regulation 2014 will be required.

This policy supersedes all previous policies and associated instructions, memos or documents providing placement decision guidance.

2. Document Purpose

This document has been developed to support the implementation of the process and will be incorporated into the Policy for inmate placement after an implementation period of 6 months.

3. Legislation and other guiding principles

3.1. Clause 21, CAS Reg – Governor's report about inmates' placement

If a Governor (or their delegate) considers that an inmate placed or proposed to be transferred to the centre is unsuitable for continued or future placement, the Governor must send a report with reasons to the Commissioner (or their delegate) (clause 21).

3.2. Clause 22, CAS Reg – Consideration of certain reports by Review Council

If the inmate is a serious offender, or an inmate who has a high security, extreme high security, extreme high risk restricted or national security interest designation, the Serious Offenders Review Council (SORC) is to review the report of unsuitability prepared by the Governor and may make any submissions the Commissioner in relation to the report.

3.3. Clause 23, CAS Reg – Commissioner's decision about inmate's placement

Following the submission of the Governor's report outlining reasons why an inmate is unsuitable for current or future placement at that centre, the Commissioner or delegate must make a decision with respect to the inmate's placement or continued placement in the centre (clause 23(1)).

In making a determination of unsuitability, under clause 23(1) or 23(3) the Commissioner must consider the reasons in the report and (where applicable) the submissions of SORC and other relevant materials.

The Commissioner is not bound to follow the recommendations in the report (clause 23(2)).

Where the Commissioner makes a clause 23(3) decision, the SORC must be notified and the SORC may recommend the Commissioner reconsider the decision (clause 23(5)).

4. Procedure (clauses 21 – 23)

The clause 21-23 decision flowchart's detail the management of reports following their submission to Sentence Management.

- Clause 21 to 23 flow chart Serious or Designated Offenders
- Clause 21 to 23 flow chart Non Serious or Designated Offenders

4.1. Report prepared by the Governor

Where the Governor of a correctional centre considers an inmate unsuitable for either continued or future placement, a Governor's report must be prepared and include the following details:

- The reason why an inmate should not be placed, or continue to be placed, in the correctional centre (in accordance with clause 21 of the CAS Regulation)
- Whether the inmate has been given the opportunity to respond, which should be included/attached to the report
- Include an inmate services and/or case plan impact assessment
- Noting that SORC must be consulted regarding serious offenders and designated inmates, if the placement decision is considered to be urgent, the reasons for urgency.

The Governor's Report on unsuitability for placement form (Governor's Placement Report) may be completed by any nominated correctional centre staff member but only the Governor (or their delegate) may sign it.

The report is to be submitted as follows:

- For serious offenders and designated inmates and for those inmates where designation is being sought and a recommendation for placement in the High Risk Management Correctional Centre the report is to be emailed to:
    - Sentence Management via the sentencemanagement@correctiveservices.nsw.gov.au generic email, for escalation to the Deputy Commissioner, Security and Custody.
- For non serious offenders and non designated inmates the report is to be emailed to:
    - Sentence Management, via the sentencemanagement@correctiveservices.nsw.gov.au generic email, for escalation to the Director Sentence Management.
    - If the Governor's Placement Report is accompanied by a request to review the person's classification, the Manager/Deputy Manager Classification and Placement must be sent the report in the first instance via sentencemanagement@correctiveservices.nsw.gov.au, so that classification may be considered.
    - If the classification rating does not require a review, the Governor's Placement Report is to be forwarded to the Director Sentence Management for a placement review.
    - Where the classification rating is changed and the inmate is no longer eligible for placement at that centre, the Governor's report need not be escalated further, this will be treated as a Change of Placement.

4.2. Process for Governor's report of unsuitability for non-serious offender or non-designated inmate

Where the report relates to a non-serious offender and non-designated inmate, the Director Sentence Management will make a determination as to unsuitability for placement. If the person is deemed unsuitable for current or future placement, a subsequent decision regarding placement will be determined by a person with the appropriate delegation.

4.3. Process for Governor's report of unsuitability for serious offenders or designated inmates

Where the Governor has identified a serious offender or designated inmate is unsuitable for ongoing or future placement at a correctional centre, the report is to be submitted to the Commissioner (or delegate) for consideration, via Sentence Management and the SORC.

The Commissioner (or delegate) must first determine whether or not the decision with respect to placement:

- May be made after seeking a submission from the SORC (this should be the ordinary course), or
- Whether there are urgent reasons that a decision must be made before seeking a submission from the SORC.

4.3.1 Submission from SORC required prior to decision

Where it is considered that the inmate can be housed within the centre for at least 7 days:

The Governor of the centre will email the report to sentence management to seek advice from SORC to understand when the next meeting is and escalate to the Deputy Commissioner (where necessary). Simultaneously Sentence Management will consider options for alternative placement recommendations.

The Deputy Commissioner may determine that submissions from the SORC are required prior to a decision regarding suitability. In this instance the report will be referred to the SORC secretariat for listing before council (via a SORC or HSIMC Meeting's Change of Placement schedule).

Once the matter has been before the SORC, the last page of the Governors report is to be completed by the SORC Secretariat and returned to the Sentence Management generic email with the Commissioner's determination regarding unsuitability.

All documentation pertaining to the decision must be saved in the inmate's EDRMS CMF first and then in any other case files by the SORC Secretariat.

4.3.2 Decision to be made on an urgent basis prior to providing the SORC the opportunity to make a submission

Where the decision maker deems the situation is so urgent that their determination cannot wait for a submission from the SORC to be provided, the Commissioner (or delegate) will either:

- Deem the inmate suitable for future or ongoing placement at the correctional centre (placement will remain the same) OR
- Deem the inmate unsuitable for future or ongoing placement at the correctional centre and refer the package to a representative of the Sentence Management Directorate to make a determination on placement.

The representative from the Sentence Management Business and Operational Support Team must then forward the report and decision to the SORC by way of notification. The SORC may then recommend reconsideration.

5. Record Management

5.1. Governor's Report

The report is to be:

- Completed on the 'Governor's Placement Report' form
- Saved into the inmate's EDRMS CMF and
- Submitted to the decision makers as set out above (see section 4.1)

The decision will be recorded on the 'Governor's Report on unsuitability for placement form' – section 'Determination by decision maker', with the determination being recorded in the clause 23 OIMS assessment. The form will be saved in the inmate's EDRMS CMF.

To locate the Case Management File in EDRMS, perform a title word search "0000*min*", then you will be looking for the Case File – Case Management. Once the container is located, you will save the document with the following naming convention:

MIN – SURNAME, Name – DOB – Clause 21 report – date – correctional centre.

For example, 0000123456 – SMITH, John – Clause 21 report – 01/07/2024 – BTH.

5.2. OIMS records management

5.2.1 Non serious offenders or non-designated inmates

The correctional centre (S/CAPO) will:

- commence the placement assessment (clause 23 assessment) in OIMS under the authority of Director, Sentence Management.

The Sentence Management Business Operational Support Team will:

- update the OIMS placement assessment outcomes.

5.2.2 Serious offenders or designated offenders

The correctional centre (S/CAPO) will:

- commence the placement assessment (clause 23 assessment) in OIMS under the authority of Director, Sentence Management.

The SORC Secretariat will:

- Update the OIMS placement assessment outcomes:
    - where the decision maker has sought the SORC's submission prior to making a determination on placement following a Governor's Report being submitted.
    - where the SORC have made a recommendation pursuant to clause 23(5) of the CAS Regulations and record the decision of the Commissioner pursuant to clause 23(3).

6. Responsibility table

Activity	Responsibility	Evidence
OIMS clause 23 assessment	Senior/Classification and Placement Officer	OIMS clause 23 assessment
Governor Report	Governor (or their delegate)	Clause 21 Report (including the inmate services and/or case plan impact assessment) and any attachments EDRMS – clause 21 report
Inmate services and/or case plan impact assessment	Service Integration Manager	Clause 21 Report
Register and progress reports	Sentence Management Business and Operational	OIMS clause 23 assessment EDRMS – clause 21 report

	Support Business Support Coordinator	
Provide independent recommendation with respect to placement of serious offenders and designated inmates	Serious Offenders Review Council	OIMS – recommendation only
Assessment of unsuitability	Commissioner (or their delegate)	OIMS-clause 23 assessment Determination by decision maker form
Placement decision pursuant to clause 20	Commissioner (or their delegate)	OIMS-clause 23 assessment

7. Glossary of terms

ACRONYM	MEANING
CAS	Crimes (Administration of Sentences)
CMF	Case Management File
DOB	Date of Birth
EDRMS	Electronic Document Records Management System
EO&R	Executive Office & Registrar (of the Serious Offenders Review Council)
MIN	Master Index Number
OIMS	Offender Integrated Management System
SORC	Serious Offenders Review Council

8. Document history

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0.1	April 2024	Draft
1.0	25 May 2025	Endorsed