



Discharge of a Prisoner – Procedures

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1. Definitions

ARMS	At Risk Management System. Refer Policy Directive 32 – Prisoners At Risk of Self Harm or Requiring Additional Support and Monitoring .
Designated Superintendent	The Superintendent as defined in s36 of the Prisons Act 1981 and includes any reference to the position responsible for the management of a private prison under Part 111A of the Prisons Act 1981 . Does not extend to the officer in charge of a prison.
EED	Earliest Eligibility Date
EDR	Earliest Date of Release
Officer in Charge	The Officer in Charge of the prison in the absence of the Designated Superintendent. See also ‘superintendent’.
MAX	Maximum Date
PRAG	Prisoner Risk Assessment Group. Refer Policy Directive 32 – Prisoners At Risk of Self Harm or Requiring Additional Support and Monitoring .
superintendent	As defined in the Prisons Act 1981 and refers to either a Designated Superintendent or the Officer in Charge of a prison at a particular time.
TOMS	Total Offender Management Solution offender database

2. Introduction

The superintendent is responsible for the release of prisoners.

Prisoners shall be released when they have either reached their Earliest Date of Release (EDR), Maximum Date (MAX) or a release order (such as a parole order) has been received from a relevant authority and no further remand warrant or other order exists.

A Bring-Up Order shall not prevent a prisoner from being released.

A prisoner can be released from custody at any time during the day the sentence expires but not earlier than that day unless authorised in accordance with s 31 of the [Prisons Act 1981](#) and [Section 10](#).

In accordance with s 32 of the [Prisons Act 1981](#), if a charge of a minor prison offence is laid against a prisoner who is due for release before the charge has been determined in accordance with Part VII, the prisoner may be detained in custody for not more than 24 hours to enable the charge to be determined (refer also s 32(1) (b) in the event that the charge cannot be determined within 24 hours).

In accordance with s 32(3), a prisoner who is sentenced to or undergoing punishment in respect of a prison offence under Part VII at the time when the sentence on which he is imprisoned expires or the prisoner is otherwise entitled to be released, shall nevertheless undergo or complete such punishment, as the case may be. Refer ss 78(3) or 79(1) (a) (iii) of the [Prisons Act 1981](#) in regards to the reckoning of such a sentence.

3. Preparation for release of a prisoner

The following procedures are to be followed in respect of identifying prisoners nearing their release date:

- In the case of sentenced prisoners, the superintendent shall ensure that the Sentence Summary Sheet, hard copies of Warrants stored in prisoners' Warrants Files and TOMS is checked to enable verification of the prisoner's eligibility and legal entitlement for release.
- Any outstanding remand warrants should correspond with information held on TOMS and charge numbers matched with the signed bail documentation.
- Any irregularities, which cannot be resolved, should, in the case of sentenced prisoners, be referred to the Sentence Information Unit or in other instances or after hours, the Superintendent Administration via the Adult Custodial Duty Officer for a decision.
- Where possible, prisoners due for release should be added to Transfer and Discharge Sheet on the day prior to discharge (non-work days on the preceding workday).
- A prisoner approaching release must be provided with the opportunity to arrange pickup from the prison by family or acquaintances.
- Prisoners should be advised to see the Health Centre some time prior to their release to arrange necessary continuity of care. Movements Officers shall provide Health Services with a copy of the Transfer and Discharge sheet for the next business day before the end of the previous business day.

Prisons have a duty of care to assist prisoners approaching release to arrange transport and accommodation if necessary. Where no transport or accommodation has been arranged, a referral to a Transitional Manager or appropriate community agency is required.

Where a prisoner is on ARMS, in line with Section 5.5 of the [ARMS Manual](#), effective liaison with external agencies and family contacts is essential in ensuring a continuum of care for the prisoner, from prison to community. In the instance where the final discharge date of the prisoner is known, Officers can work on a discharge plan with the prisoner to prepare them for release, and link support services as appropriate. If a prisoner has an approaching court date then the Prisoner Risk Assessment Group shall consider the prisoner's continuum of care, in the event they do not return from Court. If the prisoner has conditions upon their release, then reports can be provided to Adult Community Corrections or their general practitioner, as appropriate. This information is to be recorded on the TOMS ARMS Module prior to removal of the prisoner from ARMS by PRAG.

4. Reporting

ANCOR (Australian National Child (Sex) Offender Register)

- 4.1.1 In accordance with the [Community Protection \(Offender Reporting\) Act 2004](#), offenders who have been convicted of sexual or certain violent crimes against children must be registered with the Australian National Child (Sex) Offender Register (ANCOR).
- 4.1.2 ANCOR registered prisoners will be identified on TOMS with an 'ANCOR REGISTERED' flag.
- 4.1.3 The ANCOR notification and reporting documentation is generated at the time the prisoner's release is added to the Transfer and Discharge Sheet.
- 4.1.4 An Officer delegated by the Designated Superintendent shall interview the prisoner and explain to prisoner their reporting obligations in accordance with the Reportable Offenders brochure and Form P308 and have him/her sign all copies of the documentation prior to the prisoner's release.
- 4.1.5 Completed 'Notification of Reporting Obligations' (Form P308) will be distributed as follows:
 - Original copy to ANCOR (faxed and then mailed).
 - One copy to the prisoner upon release (see Section 4.1.7 below)
 - One copy on the prisoner's Unit File for archiving with Corporate Records Branch upon the prisoner's discharge.
- 4.1.6 The officer completing the Form P308 is to telephone ANCOR on 9492 5484 to advise them of the pending release and fax a copy to ANCOR using fax number 9492 5477.
- 4.1.7 The prisoner's copy of the Form P308 and Reportable Offenders brochure shall be handed to him/her upon release.

VNR Notification (Victim Notification Register)

- 4.1.8 The Victim Notification Register (VNR) is an information service established for victims of crime. The register allows victims to receive information about the perpetrator of the crime against them for as long as that person is under the supervision of the Department of Corrective Services.

- 4.1.9 Where a VNR alert exists on TOMS for a prisoner who is about to be released the superintendent shall ensure that the VNR is advised prior to a prisoner's release. This notification should typically be made by the discharging Officer, or other Officer delegated by the superintendent.
- 4.1.10 If VNR advise there are issues regarding the release of a prisoner, the discharging Officer must refer the VNR to the superintendent for follow-up. Where there are issues of a serious nature that may impact upon the life and safety of persons in the community, the superintendent is to refer the matter to the Superintendent Administration prior to the prisoner's release. The Superintendent Administration will consult with relevant agencies to ascertain how the situation should be managed.

5. Exit interview

The TOMS Discharge Offender module must be completed which includes the Exit Interview, Discharge Comments and Proposed Address.

A check must be made to ensure that the proposed address provided by the prisoner on release is the same as indicated on any bail conditions or community order, such as parole. If this is not the case, clarification must be undertaken with the court, Prisoners Review Board or Adult Community Corrections as the case may be and the order/conditions amended, prior to the prisoner's release, if required.

6. Exit Survey – Release from Work Camps

If a prisoner is to be released from a work camp, the discharging Officer will ensure the [Appendix D - Work Camp Prisoner Exit Survey](#) is completed and forwarded to Workcamps@correctiveservices.wa.gov.au. The original form is to be placed on the prisoner's management file and on forwarded to Corporate Records Branch upon the prisoner's release.

If the prisoner is being returned to the work camp's home prison for the purpose of discharge (within four (4) weeks of the prisoner's discharge date) the discharging Officer will ensure the [Appendix D - Work Camp Prisoner Exit Survey](#) is completed in line with Section 6.1 above.

If a prisoner is returned to the work camp's home prison for disciplinary or management reasons the [Appendix D - Work Camp Prisoner Exit Survey](#) is not required to be completed.

7. Release procedure

The reception discharge process is detailed in [Policy Directive 85 – Prisoner Reception](#).

The Officer processing the prisoner's discharge shall ensure that the VNR is notified of the prisoner's release, prior to the prisoner's release, where applicable (refer [Section 4.2](#) above).

The Officer processing the prisoner's release shall ensure that the [Prisoner Release Checklist - Appendix E](#) is completed for approval by the Officer in Charge in line with 7.4 below.

Upon reception processes being completed, the prisoner shall be escorted to the prison gate and the following must be presented to the Gate staff for verification:

- A copy of the prisoners Sentence Summary Sheet from TOMS (if sentenced)
- Copies of all Warrants of Commitment relating to the prisoners current imprisonment (if sentenced)
- A copy of the prisoners outstanding Remand Warrants Report from TOMS
- Copies of all completed Bail documents (where applicable)
- A letter to Centrelink for the prisoner to claim appropriate benefits (where applicable)
- Any monies due to the prisoner upon release
- Prisoner's copy of P308 (ANCOR document), Parole or Supervision Document (ie Community Based Order, Intensive Supervision Order) – where applicable.

7.1 The prisoner may only be released once the Officer in Charge is satisfied that all accompanying documentation is complete and legally correct. The Officer in Charge shall endorse the [Prisoner Release Checklist - Appendix E](#) completed by the Officer processing the prisoner's release in accordance with section 7.3 above. The completed Checklist shall be placed on the prisoner's Prisoner Management File and archived upon the prisoner's release.

8. Release types

The expiry of a sentence for the purpose of discharging a prisoner is set out in [Appendix A](#).

Bail release

- 8.1.1 Remand prisoners may be released on bail, following an order made in accordance with the [Bail Act 1982](#) after it is confirmed that the conditions relating to the release have been satisfied. Release on bail is subject to the defendant's own undertaking and the undertaking of a surety when stipulated by a court.
- 8.1.2 Release on bail may be applied for at any time whilst on remand.
- 8.1.3 The Officer delegated by the Designated Superintendent shall ensure that the residential address stated as a condition of bail (if applicable) corresponds with the address given by the prisoner prior to the prisoner's release (refer also [Section 5.2](#)).
- 8.1.4 Prior to release on bail it is important to ascertain that the conditions of release on bail have been satisfied.

Release to Home Detention Bail

- 8.1.5 During office hours, prisoners may be released in accordance with [Section 7.2](#) above.
- 8.1.6 After normal business hours (ie Monday to Friday, 8.00 am to 4.00 pm), it is the responsibility of the superintendent of the releasing prison to contact the Adult Community Corrections (ACC) After-Hours Manager (AHM) to:
- Confirm that ACC are aware of the prisoner's release
 - Make enquiry or clarify any issues with the release documentation

- Receive any instructions from the AHM (confirmed by email) that need to be communicated to the prisoner prior to his/her release
- Record the directions and then verbally confirm them with the AHM, in cases where the AHM is not able to provide these instructions by email.

8.1.7 The Designated Superintendent shall ensure that their prison's after hours contact list reflects the current AHM mobile telephone number as advised from time to time.

Release on Appeal

- 8.1.8 On advice from the Supreme Court that a currently sentenced prisoner has been granted bail or is to be released as a result of an Appeal, prisons must request written confirmation from the court. This may be in the form of either a fax copy of a signed court order or an email from the Judge's Associate confirming this fact and specifying the conditions, if any.
- 8.1.9 On the receipt of the order or email, the court reference numbers must be compared with those on the copies of warrants held at the prison. Any discrepancies must be followed up with the court.
- 8.1.10 During working hours, confirmation of the above comparisons of charge numbers must be obtained from the Sentence Information Unit.
- 8.1.11 The prisoner may be released following confirmation of:
- The reference numbers on the appeal documents and existing warrants coincide
 - No new warrants of commitment exist (such as fines warrants)
 - Bail conditions of any current remand warrants for other outstanding charges have been satisfied

Release to Parole

- 8.1.12 Where possible, the prison's Movements Officer should confirm that a copy of the parole order has been received by the prison at least ten (10) working days prior to the due date of release. If this is not the case, enquiries should be made with the relevant issuing authority as soon as possible.
- 8.1.13 On receipt of the order, an Officer delegated by the Designated Superintendent shall ensure that the prisoner is advised that the order has been received by the prison and the date of release is confirmed, subject to any other existing custody orders in force, such as remand warrants.
- 8.1.14 The Officer delegated by the Designated Superintendent shall ensure that, prior to release; the conditions of the order are explained to the prisoner and signed as understood by the prisoner. The Interpreter Service should be used for those not fully conversant with English.
- 8.1.15 The Officer delegated by the Designated Superintendent shall ensure that the residential address stated as a condition of the order (if applicable) corresponds with the address given by the prisoner prior to the prisoner's release (refer also [Section 5.2](#)).

Deportation/Removal

- 8.1.16 Where there is a Deportation/Removal Alert for a prisoner, the Department of Immigration and Citizenship (DIAC) must be advised prior to the prisoner's release.

- 8.1.17 DIAC will arrange for the collection of prisoners who require deportation or holding in immigration detention on the day of their release from prison custody, directly with the prison concerned.
- 8.1.18 In cases where arrangements have been made for flights overseas, prisons must efficiently provide for these arrangements to take place accordingly.

Extradition and international or interstate transfers

- 8.1.19 Extradition is normally dealt with by way of an order from the Magistrates Court.
- 8.1.20 The Police are responsible for making the appropriate arrangements with regards to escorts and travel for prisoners being extradited.
- 8.1.21 The Director, Sentence Management, is responsible for the management of applications for International or Interstate transfers, subject to provisions under the [Prisoners \(Interstate Transfer\) Act 1983](#), [Prisoners \(International Transfer\) Act 2000](#) and [Transfer of Prisoners Act 1983](#). Transfers may be approved on welfare, compassionate or legal grounds.
- 8.1.22 Prior to a prisoner being extradited or transferred internationally or interstate, prisons must ensure that there are no other Remand Warrants, Warrants of Commitment or breach orders etc that will require the prisoner to be retained in custody in Western Australia.

Freedom without supervision

- 8.1.23 Prisoners reaching their Earliest Date of Release (EDR) or Maximum Date (MAX) cannot be held in custody if no other Remand Warrants, Warrants of Commitment or other orders are held by the prison requiring them to be in custody (see also [Section 2.5 and 2.6](#) in regards to prison offences and separate confinement). A thorough check must be made with the physical documentation held at the prison and TOMS to ensure that no other warrant or order exists in this regard prior to the prisoner's discharge.
- 8.1.24 Prisoners granted Early Discharge in accordance with s 31 of the [Prisons Act 1981](#) and [Section 10](#) of these Procedures will have their EDR reduced by the number of days approved. Once entered by the Sentence Information Unit the approved date of release following granting of early discharge will be indicated on TOMS as Earliest Release Date (ERD).

Prisoners undergoing punishment

- 8.1.25 Refer s 32 of the [Prisons Act 1981](#) and [Section 2.6](#).
- 8.1.26 A prisoner who is sentenced to or is undergoing punishment by separate confinement as imposed by a visiting justice or court of summary jurisdiction in respect of a prison offence at the time when the sentence on which he is imprisoned expires or he is otherwise entitled to be released shall nevertheless undergo or complete such punishment, as the case may be.
- 8.1.27 Where outstanding restitution is unpaid at the time of release, the debt shall remain and may be re-instated upon any subsequent imprisonment.

Release of fine defaulters

- 8.1.28 From time to time, a relative or friend of a prisoner serving a period of imprisonment for default of fines under s 53 and Part 5 of the [Fines, Penalties and Infringement Notices Enforcement Act 1994](#) and s 59 of the [Sentencing Act 1995](#) may chose to pay a prisoner's fines to have a prisoner released.

- 8.1.29 Prisons must manage the payment of fines in accordance with [Policy Directive 82 – Prisoner Movements - Procedures](#).
- 8.1.30 Prisoners serving a period of imprisonment for default of fines who do not arrange to have their fines paid to secure their release are to be managed in accordance with [Section 8.7](#) above (refer Policy Directive 82 – Prisoner Movements - Procedures in regards to the calculation of release dates).

Release to police custody

- 8.1.31 Special prior arrangements to hand a prisoner into police custody on release from prison may only be approved by the superintendent. This may only be undertaken within the legislated police powers of Western Australia and the Commonwealth.
- 8.1.32 In accordance with s 32 of the [Prisons Act 1981](#), if a charge of an aggravated prison offence is laid against a prisoner who is due for release, the superintendent shall commence a prosecution in a court of summary jurisdiction and deliver the prisoner into the custody of a police officer accordingly.
- 8.1.33 When a prisoner is handed into the custody of a police officer, all documentation regarding the release and property of the prisoner must be handed to the police officer taking custody of the prisoner.
- 8.1.34 The police officer receiving the prisoner must sign as having received the personal property and any cash belonging to the prisoner, in the presence of the prisoner where possible.

Dangerous Sexual Offenders Act 2006

- 8.1.35 The purpose of the [Dangerous Sexual Offenders Act 2006](#) is to consider if there is an unacceptable risk that if a person was not subject to a continuing detention order or a supervision order that person would commit a serious sexual offence.
- 8.1.36 A prisoner may be released to an order issued under this Act, provided that no other imprisonment orders or Remand Warrants exist.

Criminal Law (Mentally Impaired Defendants) Act 1996

- 8.1.37 The Governor may at any time issue an order to release a mentally impaired defendant. This is usually upon the recommendations of the Mentally Impaired Accused Board and subject to the [Criminal Law \(Mentally Impaired Defendants\) Act 1996](#).
- 8.1.38 The prisoner may only be released on the date specified in the Order.
- 8.1.39 A prisoner is to be released in accordance with a release order provided that no other imprisonment orders or Remand Warrants exist.

Release following court appearance via videolink

- 8.1.40 In accordance with [Policy Directive 82 – Prisoner Movements](#), it is the responsibility of the Movements Officer to ensure that adequate records are kept of the outcomes following videolink court appearances. The Movements Officer must ensure that warrants and other court dispositions are received expeditiously for each prisoner appearing via videolink for court proceedings, particularly when prisoners have received non-custodial dispositions and must be released.
- 8.1.41 If a prisoner has appeared via videolink to court and has all outstanding charges dealt with (ie no other Remand Warrants, Warrants of Commitment or other custody orders exist), the prisoner is entitled to be released as soon as is practicable, after the paperwork of the court's disposition has been received.

- 8.1.42 Prior to a prisoner's release after appearing via videolink, the superintendent is to ensure that any bail papers, Suspended Imprisonment Orders, Community Based Orders or other conditional orders requiring a prisoner's signature are signed by the prisoner. Any paperwork the prisoner is required to receive must be given to the prisoner prior to release.
- 8.1.43 Any discrepancies in regards to court disposition paperwork must be checked with the court of appearance prior to releasing the prisoner.
- 8.1.44 The process for the release of a prisoner following a videolink court appearance where the prisoner has been issued a Hospital Order for psychiatric assessment is detailed in [Policy Directive 82 – Prisoner Movements](#).

Release from External Unit

- 8.1.45 Where a prisoner is placed at an External Unit (such as a police lockup or hospital) and is due for release, the prison's Movements Officer is to liaise with the police or custodial officers supervising the prisoner to ensure that all release procedures stated in this document are followed where relevant.
- 8.1.46 Release documentation (Parole Order, CentreLink letter etc) must be provided to the police or custodial officers supervising the prisoner as required.
- 8.1.47 Prior to release, the prison's Movements Officer must ensure that copies of documents requiring a prisoner's signature have been duly signed by the prisoner.
- 8.1.48 On release, the prison's Movements Officer must confirm with the police or custodial officers that the prisoner has been released to enable officers to cease the supervision of the prisoner.

Release from court

- 8.1.49 Procedures for the release of prisoners from Court are detailed in [Policy Directive 82 – Prisoner Movements - Procedures](#).

9. Permission for a prisoner to remain overnight

A superintendent may, if requested in writing by a prisoner, permit the prisoner to remain in the prison overnight until the morning of the day following the due date of discharge, in accordance with [Prisons Regulations 1982](#), r 42, for one or more of the following reasons:

- where the prisoner is unable to make travel/transport arrangements on the due discharge date
- because of weekend or public holiday restrictions on travel, banking, shopping etc it appears reasonable to the superintendent to grant the prisoner's request to remain in the prison overnight
- where, because of any compassionate or other welfare related need, it appears reasonable to the superintendent to grant the prisoner's request to remain in the prison overnight.

In considering whether to permit the prisoner to remain in prison overnight, the superintendent shall take into account whether the prisoner has been convicted of a prison offence and the good conduct and industry of the prisoner.

Where the superintendent grants permission for the prisoner to remain in prison overnight, the prisoner will be required to sign [Appendix B - Release and Indemnity Form](#).

The Designated Superintendent shall cause a record to be made of the details of any permit granted under [Prisons Regulations 1982](#), r 42.

10. Early discharge

10.1 Overview

Early discharge enables a prisoner to be able to be discharged up to a maximum of 30 days before the expiry of their sentence. This mechanism is utilised by the Department to coordinate state wide travel arrangements, facilitate the re-integration of a prisoner back into their community and support networks upon their release, as well as enabling an identified compassionate or serious welfare need to be catered for. Refer s 31 of the [Prisons Act 1981](#).

There are two categories of early discharge - release up to ten (10) days, and release more than ten (10) days through to a maximum of 30 days prior to the expiry of a sentence. In both instances, a high level of scrutiny and assessment is applied in determining which prisoners are eligible.

Eligibility requirements

In line with s 31 of the [Prisons Act 1981](#), a prisoner may apply to the Designated Superintendent for early discharge consideration. In order to be eligible, the prisoner must meet all of the following criteria:

- The current prison term is not in relation to a serious crime against the person or an act of violence which is of a particular serious nature (refer to [Appendix C - List of Offences which Preclude Eligibility for Early Discharge](#) for a list of the types of offences considered to be serious or acts of violence).
- a pattern of violence against a person is not evident within the court history
- the prisoner is not in prison due to fine default only
- the prisoner has served a maximum of four months in prison on fines
- Parole has not been denied (either at the prisoner's own request or by the Prisoners Review Board) or cancelled during the current sentence
- a Re-Entry Release Order has not been cancelled during the current sentence
- the prisoner is not subject to a Continuing Detention Order under the [Dangerous Sexual Offenders Act 2006](#)
- within the last two (2) years of their current sentence the prisoner has not been found guilty of a crime committed in prison
- within the last two (2) years of their current sentence the prisoner has not been found guilty of any prison offence
- the prisoner has demonstrated satisfactory prison conduct including a respectful attitude to staff and other prisoners, along with positive work reports
- there is no information to suggest that the victim(s) could be at risk from the prisoner.

Commissioner's override

In the event a prisoner fails to meet all of the above requirements and some clear exceptional circumstances exist (including urgent health issues requiring immediate

attention, funeral attendance within a day or so before automatic release, or where significant financial implications associated with returning a prisoner to their community can be off-set) the matter can be referred to the Commissioner for consideration and an override can occur to approve the application.

Additional criteria

Should all of the above requirements be met, then the prisoner is eligible to apply for early discharge. However, a prisoner will not be approved for early discharge unless at least one of the following criteria is also evident. If one or more of the following criteria are not present then the application cannot proceed to be considered:

- travel arrangements in remote areas necessitate an early discharge
- due to weekend or public holiday restrictions on travel, it is necessary to grant an early discharge
- an identified compassionate or serious welfare related need exists and warrants early discharge to occur.

Timeframes

Early discharge up to ten (10) days – Applications must be lodged by the prisoner to the Designated Superintendent one month prior to the day on which the prisoner seeks to be released (except where the granting of early discharge is a matter of urgency).

Early discharge from 11 to 30 days – Applications must be lodged by the prisoner to the Designated Superintendent two months prior to the day on which the prisoner seeks to be released (except where the granting of early discharge is a matter of urgency).

Application and approval process

10.1.1 Early discharge up to 10 days

The 'Application for Early Discharge' on TOMS is to be completed by Unit Officers. Once completed, the report is to be referred to the Unit Manager for review, who in turn will relay the report to the Designated Superintendent.

- Should the Designated Superintendent not support the application the report should not be progressed any further and the application finalised.
- If the Designated Superintendent supports the application, they must inform the prisoner that the decision rests with the Assistant Commissioner Custodial Operations (ACCO).
- The name of the prisoner is to be submitted to the Superintendent Administration no later than the Monday 2 weeks prior to the requested date of discharge.
- The review process will be co-ordinated by the Superintendent Administration who will submit the applications to the ACCO for endorsement.
- The outcome will be relayed by the Superintendent Administration to the Designated Superintendent to enable the application on TOMS to be finalised with the decision recorded. A signed copy of the approved document must be forwarded to the Manager, Sentence Information Unit, by the prison.

10.1.2 Early discharge from 11 to 30 days

All of the principles and processes above apply to this type of early discharge; however the level of decision making is higher.

Revoked by DCS Prisons Order – No 05/2017

The ACCO is required to make a recommendation to the Deputy Commissioner, Adult Custodial, who in turn recommends to the Commissioner. The Commissioner's decision is relayed to the Superintendent Administration to co-ordinate the finalisation of the application in conjunction with the Designated Superintendent.

Early discharge from prison

11. Fares on release

On the release of a prisoner from a prison facility, transport may be arranged or fares provided to their home, usual place of residence within the State or to the place of their arrest.

Routine prison transport is to be used where available to return a prisoner to a prison nearer to the place of their release, prior to their release.

Remand prisoners may receive assistance where the Designated Superintendent is satisfied that the prisoner being released (to bail) from a prison facility does not have sufficient funds to travel to their destination.

Payment in excess of this entitlement may be made in extenuating circumstances (eg prisoners who are required to travel a considerable distance from the prison to their usual place of residence or who are required to report (for the purposes of a parole order) at locations other than the area of their previous residence). The Designated Superintendent shall give approval in such cases.

A cash payment may be made to prisoners for minor transport costs (eg local bus/rail fare). In most cases, the Designated Superintendent or their delegate should arrange for an officer to purchase the bus/rail ticket prior to a prisoner being discharged.

In cases of long distance travel, a non-refundable bus or rail voucher should be used.

If released ex-court, the prisoner must return to the prison to be eligible for this assistance.

12. Clothing of prisoners on discharge

The Designated Superintendent or superintendent shall ensure that a prisoner discharged from a prison is clothed adequately in other than prison clothing.

Where a prisoner has adequate civilian clothing retained at the prison, the Designated Superintendent shall not authorise expenditure either from the prisoner's own monies or from any moneys available.

Where civilian clothing retained on a prisoner's behalf is inadequate, the Designated Superintendent may authorise expenditure for the purposes of clothing for the prisoner from the prisoner's own money.

Where the prisoner's own money is insufficient for the purpose of purchasing adequate civilian clothing, the Designated Superintendent may authorise expenditure from moneys available for that purpose and debited against the prison from which the prisoner is released. No such expenditure shall exceed \$150.

Any civilian clothing (including footwear) purchased for a prisoner shall be in accordance with the needs of the prisoner (eg work or casual clothing).

With the exception of a prisoner rated minimum security, an officer authorised by the Designated Superintendent shall undertake any purchase of civilian clothing.

A prisoner who is rated minimum security may be permitted to participate in an approved Absence Permit for the purchase of liberty clothing. Where the purchase of clothing is necessary and a prisoner requests to attend for the purchase of the clothing, the following procedures shall be followed:

- the prisoner is to request his/her requirements in writing (eg work or casual)
- the requirements of [Policy Directive 9 –Permit for Absence](#) and [Policy Directive 53 – External Activities](#) are to be complied with.

13. Unlawful releases or unlawfully in custody

Should a prisoner be unlawfully held in custody where there is no legal remand warrant, warrant of commitment or other custody order in place, the Superintendent must be informed in the first instance. **Revoked by Prisons Order No 11/2020 – Detained in Error**

Where there is a legal remand warrant, warrant of commitment or other custody order in existence and the prisoner has been illegally released/released in error the Superintendent Administration must be informed in the first instance.

The Superintendent of the prison where the incident occurred will ensure that all (critical incident) reporting requirements of [COPP 13.1 Incident Notifications, Reporting and Communications](#) are completed.

Following a release in error, the Deputy Commissioner is authorised to issue an arrest warrant under s 116 of the [Sentence Administration Act 2003](#), for the arrest and return of the prisoner to prison.

14. Record keeping

In accordance with [Policy Directive 85 – Prisoner Reception](#), upon a prisoner's release, it is the Reception Officers' responsibility to locate all Prisoner Management Files from throughout the prison and forward them to Corporate Records Branch for storage.

15. Approved

Commissioner or delegated authority as per PD 37

Signature



Date: 1 April 2014

16. Policy sponsor

Deputy Commissioner Adult Custodial

17. Contact person

The following persons may be approached on a routine basis in relation to this policy:

Principal Operational Policy Officer

18. Amendment history

Version	Approved	Effective from
1. First published	14 May 2001	May 2001
2. Amended	10 December 2003	9 June 2004
3. Amended	4 April 2007	30 April 2007
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7. Amended	1 April 2014	11 April 2014
8. Section 10 revoked	21 June 2017	21 June 2017