

# **State Archives and Records Authority of New South Wales**

## **Functional Retention and Disposal Authority: FA408**

This authority covers records documenting the function of Offender management and youth justice

This retention and disposal authority is approved under section 21(2)c of the *State Records Act 1998* following prior approval by the Board of the State Archives and Records Authority of New South Wales in accordance with section 21(3) of the Act.



# State Archives and Records Authority of New South Wales

## Functional Retention and Disposal Authority

**Authority no** FA408

**SR file no** 19/0368

**Scope** This retention and disposal authority covers records documenting the function of Offender management and youth justice.

**Public office** Corrective Services NSW, Juvenile Justice, Parole Board and Serious Offenders Review Council

**Approval date** 28/2/2020

## **About the Functional Retention and Disposal Authority**

### **Purpose of the authority**

The purpose of this retention and disposal authority is to identify those records created and maintained by NSW public offices which are required as State archives and to provide approval for the destruction of certain other records created and maintained by NSW public offices, after minimum retention periods have been met.

The approval for disposal given by this authority is given under the provisions of the *State Records Act 1998* only and does not override any other obligations of an organisation to retain records.

### **The retention and disposal of State records**

The records retention and disposal practices outlined in this authority are approved under section 21(2)(c) of the *State Records Act 1998 (NSW)*. Part 3 (Protection of State Records) of the Act provides that records are not to be disposed of without the consent of the State Archives and Records Authority of New South Wales (State Archives and Records NSW) with certain defined exceptions. These exceptions include an action of disposal which is positively required by law, or which takes place in accordance with a normal administrative practice (NAP) of which State Archives and Records NSW does not disapprove. Advice on the State Records Act can be obtained from State Archives and Records NSW.

The authority sets out how long the different classes of records generated by an organisation must be kept to meet its legal, operational and other requirements, and whether the records are to be kept as State archives. State Archives and Records NSW reviews and approves organisations' retention and disposal authorities under the *State Records Act*. It is the duty of a public office, in submitting a draft retention and disposal authority for approval, to disclose to State Archives and Records NSW any information which affects the retention of the records covered by the authority.

State Archives and Records NSW's decisions take into account both the administrative requirements of public offices in discharging their functional responsibilities and the potential research use of the records by the NSW Government and the public. One of State Archives and Records NSW's functions is to identify and preserve records as State archives. These are records which document the authority and functions of Government, its decision-making processes and the implementation and outcomes of those decisions, including the nature of their influence and effect on communities and individual lives. Criteria for the identification of State archives are listed in *Building the Archives: Policy on records appraisal and the identification of State archives*. The Policy also explains the roles and responsibilities of State Archives and Records NSW and of public offices in undertaking appraisal processes and disposal activities.

### **Implementing the authority**

This retention and disposal authority covers records controlled by the public office and applies only to the records or classes of records described in the authority. The authority should be implemented as part of the records management program of the organisation. Two primary objectives of this program are to ensure that records are kept for as long as they are of value to the organisation and its stakeholders and to enable the destruction or other disposal of records once they are no longer required for business or operational purposes.

The implementation process entails use of the authority to sentence records. Sentencing is the examination of records in order to identify the disposal class in the authority to which they belong. This process enables the organisation to determine the appropriate retention period and disposal action for the records. For further advice see *Implementing a retention and disposal authority*.

Where the format of records has changed (for example, from paper-based to electronic) this does not prevent the disposal decisions in the authority from being applied to records which perform the same function. The information contained in non paper-based or technology dependant records must be accessible for the periods prescribed in the classes. Where a record is copied, either onto microform or digitally imaged, the original should not be disposed of without authorisation (see the *General Retention and Disposal Authority – Original or source records that have been copied*). Public offices will need to ensure that any software, hardware or documentation required to gain continuing access to technology dependent records is available for the periods prescribed.

## **Disposal action**

### ***Records required as State archives***

Records which are to be retained as State archives are identified with the disposal action 'Required as State archives'. Records that are identified as being required as State archives should be stored in controlled environmental conditions and control of these records should be transferred to State Archives and Records NSW when they are no longer in use for official purposes.

The transfer of control of records as State archives may, or may not, involve a change in custodial arrangements. Records can continue to be managed by the public office under a distributed management agreement. Public offices are encouraged to make arrangements with State Archives and Records NSW regarding the management of State archives.

Transferring records identified as State archives and no longer in use for official purposes to State Archives and Records NSW should be a routine and systematic part of a public office's records management program. If the records are more than 25 years old and are still in use for official purposes, then a 'still in use determination' should be made.

### ***Records approved for destruction***

Records that have been identified as being approved for destruction may only be destroyed once a public office has ensured that all other requirements for retaining the records are met. Retention periods set down in this authority are *minimum* periods only and a public office should keep records for a longer period if necessary. Reasons for longer retention can include legal requirements, administrative need, government directives and changing social or community expectations. A public office **must not** dispose of any records where the public office is aware of possible legal action (including legal discovery, court cases, formal applications for access) where the records may be required as evidence.

Once all requirements for retention have been met, destruction of records should be carried out in a secure and environmentally sound way. Relevant details of the destruction should be recorded. See *Destruction of records: a practical guide*.

Organisations should review functional retention and disposal authorities regularly to ensure that they remain relevant as the organisation's functions and activities, operating environment and requirements for records change. Retention requirements may change over time. This can occur when:

- business needs or practices change
- new laws, regulations or standards are introduced
- new technology is implemented
- government administration is restructured and functions are moved between entities, or
- unforeseen or new community expectations become apparent.

State Archives and Records NSW recommends that organisations check any functional retention and disposal authorities more than 5 years old to ensure that the retention periods and disposal actions remain relevant.

Regardless of whether a record has been approved for destruction or is required as a State archive, a public office or an officer of a public office **must not** permanently transfer possession or ownership of a State record to any person or organisation without the explicit approval of State Archives and Records NSW.

### **Administrative change**

This retention and disposal authority has been designed to link records to the functions they document rather than to organisational structure. This provides for a stable retention and disposal authority that is less affected by administrative change. The movement of specified functions between branches or units within the public office does not require the authority to be resubmitted to State Archives and Records NSW for approval. However, when functions move from one public office to another the public office that inherits the new function should contact State Archives and Records NSW to discuss use of any existing retention and disposal authority approved for use by a predecessor organisation.

### **Amendment and review of this authority**

State Archives and Records NSW must approve any amendment to this authority. Public offices that use the authority should advise State Archives and Records NSW of any proposed changes or amendments to the authority.

State Archives and Records NSW recommends a review of this authority after five years to establish whether its provisions are still appropriate. Either the public office or State Archives and Records NSW may propose a review of the authority at any other time, particularly in the case of change of administrative arrangements, procedures or to operating environments which are likely to affect the value of the records covered by this authority.

In all cases the process of review will involve consultation between State Archives Records NSW and the public office. If the process of review reveals that this authority requires amendment, the necessary amendments should be made and approved.

#### Contact Information

State Archives and Records NSW  
 PO Box 516  
 Kingswood NSW 2747  
 Telephone: (02) 9673 1788  
 E-mail: [govrec@records.nsw.gov.au](mailto:govrec@records.nsw.gov.au)



## Functional Retention and Disposal Authority Offender management and youth justice

Authority number: FA408

Dates of coverage: Open

List of Functions and Activities covered
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Function	Activity	Reference	Page
OFFENDER MANAGEMENT		1.0	7
CORRECTIONAL CENTRE MANAGEMENT & COMMUNITY CORRECTIONS		2.0	11
INCIDENT MANAGEMENT		3.0	14
CORRECTIONAL PROGRAMS AND SERVICES		4.0	16
PLANNING, POLICIES AND PROCEDURES		5.0	19

## Functional Retention and Disposal Authority (Offender management and youth justice)

Authority number: FA408

Dates of coverage: Open

No.	Description of records	Disposal action
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### 1.0 OFFENDER MANAGEMENT

The management of adult and juvenile individuals who have been charged, remanded, and/or convicted of an offence. Includes those serving custodial and non-custodial orders, and those referred to alternative programs. Includes parole records and records of the Serious Offenders Review Council.

See General Retention and Disposal Authority *Administrative records* **GOVERNMENT RELATIONS - Advice** for records relating to the provision of advice to the portfolio Minister or other government organisations concerning the organisation's policies and procedures, functions, obligations, legislation or liabilities.

See General Retention and Disposal Authority *Administrative records* **GOVERNMENT RELATIONS - Agreements** for records relating to agreements with other government agencies relating to the management of offenders.

See General Retention and Disposal Authority *Administrative records* **LEGAL SERVICES - Advice** for records relating to legal advice from internal or external legal service providers, including the Crown Solicitor's Office.

See General Retention and Disposal Authority *Administrative records* **STRATEGIC MANAGEMENT - Joint ventures** for records relating to agreements with community groups relating to offender programs.

See General Retention and Disposal Authority *Public health services patient records* for records relating to the provision of health care to offenders.

See General Retention and Disposal Authority *Administrative records* **CONTRACTING-OUT** for records relating to the management of the provision of services by providers to offenders upon release from custody or completion of community service

See General Retention and Disposal Authority *Administrative records* **COMMITTEES** for records relating to meetings of the Serious Offenders Review Council and the State parole Authority.

1.1	<p>Records relating to the case management of:</p> <ul style="list-style-type: none"> <li>• offenders serving a life sentence</li> <li>• post-sentence inmates (offenders who are kept in custody after expiry of their sentence)</li> <li>• deaths in custody</li> <li>• cases that generated significant public interest or controversy</li> <li>• serious offenders who are referred for assessment of their security classification, placement and release, for example, the case</li> </ul>	Required as State archives
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## Offender management and youth justice

**Authority number: FA408**

**Dates of coverage: Open**

No.	Description of records	Disposal action
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### OFFENDER MANAGEMENT

	<p>management records for the Serious Offenders Review Council.</p> <p>Note: other case management records identified as being of continuing value for social research purposes, e.g. witness protection scheme, serious offenders serving a sentence for at least 12 years without parole, convicted of murder and subject to a sentence in respect of the conviction) can also be considered for transfer as State archives.</p>	
1.2	<p>Primary registration records of adults and juveniles admitted to correctional centres, ordered to serve community-based sentences, or referred to alternative processes such as youth justice conferencing. Includes details of:</p> <ul style="list-style-type: none"> <li>• name and date of birth</li> <li>• known aliases</li> <li>• offence history</li> <li>• type, date and duration of order</li> <li>• dates of admission and discharge</li> <li>• summary results of educational courses</li> <li>• deaths in custody, including date of date, suspected cause, Coroner's verdict</li> <li>• correctional centre where held.</li> </ul> <p>Includes hard copy registers, indexes, the registration data contained in any electronic case management system and legacy records e.g. gaol description books. Includes registers of all serious offenders.</p>	Required as State archives
1.3	<p>Records documenting the primary management of custodial and non-custodial offenders, including:</p> <ul style="list-style-type: none"> <li>• pre-sentence reports and advice provided to courts to assist in determining appropriate sentence</li> <li>• admission and discharge</li> <li>• establishment and review of security classifications</li> <li>• management of disciplinary action</li> </ul>	<p><b>Adults:</b></p> <p>Retain minimum of 12 years after completion of order or action completed, whichever is longer, then destroy</p> <p><b>Juveniles:</b></p>

## Offender management and youth justice

**Authority number: FA408**

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No.	Description of records	Disposal action
<i>OFFENDER MANAGEMENT</i>		
	<ul style="list-style-type: none"> <li>• management of welfare and rehabilitation</li> <li>• participation in programs</li> <li>• assessments, case notes, program and service referrals</li> <li>• calculations, determinations and clarifications regarding time to be served</li> <li>• custodial, remand and parole orders</li> <li>• exempt mail (not routinely opened prior to delivery) received or sent by an offender</li> <li>• monitoring of non-custodial orders, including parole orders</li> <li>• directions given to offenders relating to where they are to work or live and administrative processes e.g. determining consent from those living with offenders on home detention orders</li> </ul> <p>Includes case management files, parole files, psychology files, medical files, warrant files, and case management of offenders referred as an alternative to court proceedings.</p> <p><b>Note:</b> Offender records identified as being of continuing value for research purposes can be transferred as State archives (see entry 1.1)</p>	Retain minimum of 45 years after completion of order or action completed, whichever is longer, then destroy
1.4	<p>Records documenting the routine management of offenders, including:</p> <ul style="list-style-type: none"> <li>• drug and alcohol test results</li> <li>• management of telephone privileges</li> <li>• participation in chaplaincy or other religious services</li> <li>• collection of forensic samples</li> <li>• offender movements and surveillance</li> <li>• management of personal security for offenders within a prison</li> <li>• administration of temporary leave</li> </ul>	Retain minimum of 7 years after action completed, then destroy

## Offender management and youth justice

Authority number: FA408

Dates of coverage: Open

No.	Description of records	Disposal action
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### OFFENDER MANAGEMENT

	<ul style="list-style-type: none"><li>• the management of income and monies received, purchase of items, access to savings, deductions made for restitution and fines imposed</li><li>• the management of personal property</li><li>• attendance at educational programs</li><li>• arrangements for the possession and usage of personal computers and software</li><li>• requests and complaints made to the organisation, the Ombudsman, official visitors, and commissions</li><li>• the management of visitors</li><li>• allocation of serious offender assessment work to case managers.</li></ul> <p>Includes secondary registration records for adult and juvenile offenders.</p>	
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## Offender management and youth justice

**Authority number: FA408**

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No.	Description of records	Disposal action
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*CORRECTIONAL CENTRE MANAGEMENT & COMMUNITY CORRECTIONS*

### **2.0 CORRECTIONAL CENTRE MANAGEMENT & COMMUNITY CORRECTIONS**

The administration and management of correctional centres and community corrections offices. Includes:

- the conduct of searches for contraband
- the management of drug and alcohol deterrence testing
- the management of security within and around a correctional centre
- managing the safety of staff and visitors
- the guarding of offenders.

See **INCIDENT MANAGEMENT** for recordings of telephone conversations that are required for a legal proceeding as evidence or for an investigation

See General Retention and Disposal Authority *Administrative records* **GOVERNMENT RELATIONS - Reporting** for records relating to reports to the Minister, Parliament and other Government bodies about the management of correctional centres.

See General Retention and Disposal Authority *Administrative records* **PROPERTY MANAGEMENT - Flora and fauna management** for records relating to the commissioning, management and de-commissioning of dogs used for prison patrol duties

See General Retention and Disposal Authority *Administrative records* **STRATEGIC MANAGEMENT - Meetings** for diaries of chief executive officers recording detailed information regarding significant matters that are not recorded elsewhere.

2.1	Admission and discharge registers.	Required as State archives
2.2	Legacy records such as diaries and journals of the Governor, Superintendent, Deputy Superintendent, Gaolers, Matrons and Visiting Surgeon's journals.	Required as State archives
2.3	Records documenting the operational management of correctional centres. Includes: <ul style="list-style-type: none"> <li>• the collation of intelligence information on offenders, visitors and staff</li> <li>• liaison with other correctional centres and police</li> <li>• provision of regular analysis and reporting to management</li> <li>• musters and records of offenders on leave</li> </ul>	Retain minimum of 7 years after action completed or expiry of authorisation, then destroy

## Offender management and youth justice

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*CORRECTIONAL CENTRE MANAGEMENT & COMMUNITY CORRECTIONS*

	<ul style="list-style-type: none"> <li>• the conduct of searches and examinations of persons, rooms, belongings, grounds, buildings, vehicles, items seized</li> <li>• the management of people entering and leaving a correctional centre, including sign in/out records, applications to visit, registration as visitor, volunteer or contractor</li> <li>• the administration of the drug and alcohol monitoring and testing of prisoners, staff and visitors</li> <li>• the management of access to and within a correctional centre, including the issue of keys, staff access passes and entry codes and identification scans</li> <li>• the issue and return of firearms to custodial staff</li> <li>• applications for the deployment of dog resources</li> <li>• the management of telephone privileges</li> <li>• the management of mail, parcels and contraband</li> <li>• diaries/journals/logs of officers concerning the day to day running of the correctional centre</li> <li>• monitoring of services and programs delivered in centres</li> <li>• reporting on demographics, visits etc.</li> <li>• receipt and discharge books.</li> </ul>	
2.4	<p>Records documenting daily operations of the correctional centres and community corrections offices. Includes:</p> <ul style="list-style-type: none"> <li>• recordings of offender telephone conversations not required for legal proceedings or evidence</li> <li>• audio visual surveillance recordings of employees and premises that are not required for legal proceedings or as evidence or for an investigation, e.g. use of force has not occurred and incidents have not occurred</li> <li>• management of kitchen duty rosters and menus</li> </ul>	Retain until administrative or reference use ceases, then destroy

## Offender management and youth justice

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Dates of coverage: Open

No.	Description of records	Disposal action
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### *CORRECTIONAL CENTRE MANAGEMENT & COMMUNITY CORRECTIONS*

	<ul style="list-style-type: none"><li>• daily routines for housekeeping</li><li>• routine administration of transportation for medical appointments, court hearings.</li></ul>	
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## Offender management and youth justice

**Authority number: FA408**

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No.	Description of records	Disposal action
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### INCIDENT MANAGEMENT

#### 3.0 INCIDENT MANAGEMENT

The investigation, management and reporting of incidents that occur at correctional facilities, community corrections offices or as part of a community program managed by service providers.

See General Retention and Disposal Authority *Administrative records* **GOVERNMENT RELATIONS - Reporting** for records relating to reports to other Government organisations, the Minister and Parliament about incidents in correctional centres or facilities.

See General Retention and Disposal Authority *Administrative records* **PERSONNEL - Misconduct** for records relating to misconduct by employees against offenders.

3.1	<p>Records documenting the management of incidents which:</p> <ul style="list-style-type: none"> <li>• have the potential to constitute a significant danger to the safety of offenders, staff or the general public</li> <li>• result in catastrophic outcomes for the individuals involved</li> <li>• which significantly interfere in the orderly operation of a correctional facility</li> <li>• constitute significant breaches of standards, policies and procedures for community programs such as youth justice conferences.</li> </ul> <p>Includes escapes from a correctional facility, deaths in custody, major security breaches or fires which significantly interfere in the orderly operation of the correctional facility, siege/hostage incidents, attempted escapes, a breach or attempted breach of a correctional facility from the outside, a demonstration outside the correctional facility, offender strikes and/or disputes.</p> <p>Includes statements, reports, photographs and recordings, findings and recommendations.</p>	Required as State archives
3.2	Incident reports relating to allegations of child sexual abuse.	Retain minimum of 45 years after action completed, then destroy
3.3	Records documenting the management of routine and minor incidents. Includes:	Retain minimum of 7 years after action

## Offender management and youth justice

Authority number: FA408

Dates of coverage: Open

No.	Description of records	Disposal action
-----	------------------------	-----------------

### *INCIDENT MANAGEMENT*

	<ul style="list-style-type: none"><li>• offenders disobeying a direct order</li><li>• offenders being verbally abusive or aggressive to staff</li><li>• banning of a visitor for any period of time</li><li>• any matter which may affect the security or good order of the custodial centre or community location</li><li>• minor breaches of standards, policies and procedures including for community programs such as youth justice conferences.</li></ul>	completed, then destroy
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## Offender management and youth justice

Authority number: FA408

Dates of coverage: Open

No.	Description of records	Disposal action
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INCIDENT MANAGEMENT

### 4.0 CORRECTIONAL PROGRAMS AND SERVICES

The development and implementation of programs and services for offenders, family members, and victims of crime. Includes vocational programs, correctional industries, recreational and sporting activities, counselling and psychological services, health care and promotion. Includes programs for special groups such as high risk, first time and young offenders, and liaison with community groups over programs, services and custody management issues, and post-release services to assist clients reintegrate into the community. Includes youth justice conferencing for young people.

See **OFFENDER MANAGEMENT** for records relating to the participation of offenders in programs and services.

See General Retention and Disposal Authority *Administrative records* **COMMUNITY RELATIONS - Customer service** for records relating to the development and provision of services to customers.

See General Retention and Disposal Authority *Administrative records* **COMMUNITY RELATIONS - Marketing** for records relating to the marketing of correctional programs and services.

See General Retention and Disposal Authority *Administrative records* **GOVERNMENT RELATIONS - Advice** for records relating to the provision of advice to the Minister or other Government departments about correctional programs and services.

See General Retention and Disposal Authority *Administrative records* **GOVERNMENT RELATIONS - Agreements** for records relating to the administration of partnerships with other government organisations for the delivery of programs.

See General Retention and Disposal Authority *Administrative records* **GOVERNMENT RELATIONS - Reporting** for records relating to reporting to the Minister, Parliament or other Government agencies on correctional programs and services.

See General Retention and Disposal Authority *Administrative records* **GOVERNMENT RELATIONS - Representations** for records relating to questions raised in Parliament by Members of Parliament on behalf of their constituents, and representations directed from the Minister or Members of Parliament to the organisation seeking a formal response.

See General Retention and Disposal Authority *Administrative records* **GOVERNMENT RELATIONS - Submissions** for records relating to submissions in relation to an offender being granted access to leave programs.

See General Retention and Disposal Authority *Administrative records* **PERSONNEL - Employee service history and Recruitment** for records relating to the recruitment and appointment of volunteers to provide support services.

See General Retention and Disposal Authority *Administrative records* **STRATEGIC MANAGEMENT - Compliance** for records relating to compliance with standards for clients.

## Offender management and youth justice

**Authority number: FA408**

**Dates of coverage: Open**

No.	Description of records	Disposal action
-----	------------------------	-----------------

### *CORRECTIONAL PROGRAMS AND SERVICES*

See General Retention and Disposal Authority *Administrative records* **STRATEGIC MANAGEMENT - Grant funding** for records relating to the management of grants for programs.

See General Retention and Disposal Authority *Administrative records* **STRATEGIC MANAGEMENT - Joint ventures** for records relating to the administration of partnerships with community groups for the delivery of programs.

See General Retention and Disposal Authority *Higher and further education* for records relating to the management of education programs and services.

See General Retention and Disposal Authority *audio visual programs and recordings* for records relating to audio visual programs and recordings of correctional programs and services.

4.1	Records documenting the development, approval, review and summary reporting on of significant or innovative correctional programs and services, including programs for victims, offenders, young people in the juvenile justice system, and the community. Includes community submissions on programs.	Required as State archives
4.2	Records relating to the management of the registration of victims of crime and offenders so that victims may receive limited information about release of detainees.	Retain minimum of 10 years after action completed or after offender is removed from the register, then destroy
4.3	Records documenting the operational management of correctional programs and services. Includes minor reviews, reports on program progress, design and delivery of services and products, consultation with industry and the community, planning, risk management, the management of conferencing and mediation for victims of crime, provision of legal aid, the accreditation of individuals providing services as part of correctional programs and services e.g. chaplains, the management and delivery of scholarships etc	Retain minimum of 7 years after action completed, then destroy
4.4	Records relating to routine administration of programs such as scheduling, itineraries, arrangements for travel, allocation of case workers, segregation of individuals for personal safety etc. Includes projects that do not proceed and unsuccessful applications for scholarships.	Retain minimum of 2 years after action completed, then destroy

## Offender management and youth justice

Authority number: FA408

Dates of coverage: Open

No.	Description of records	Disposal action
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### *CORRECTIONAL PROGRAMS AND SERVICES*

4.5	Records relating to the management of grants to deliver services. Includes grants to other agencies and private providers to deliver services to assist clients reintegrate into the community. Includes successful and unsuccessful applications.	Retain minimum of 7 years after action completed, cessation of program or expiry of funding, then destroy
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## Offender management and youth justice

Authority number: FA408

Dates of coverage: Open

No.	Description of records	Disposal action
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*PLANNING, POLICIES AND PROCEDURES*

### 5.0 PLANNING, POLICIES AND PROCEDURES

The development of plans, policy and procedures for offenders and establishing standards and guidelines for correctional facilities and staff.

5.1	Records relating to the development and review of strategic plans, policies and procedures for the management of offenders, correctional centres and correctional programs. Includes the development of standards where the organisation makes detailed submissions. Includes final approved versions of policies and procedures manuals, including prisoner induction manuals, procedures for deaths in custody, protocols for interstate transfers, development of security classifications and security policies and guidelines. Includes policy proposals, reports analysing issues and the outcomes of consultation with stakeholders etc.	Required as State archives
5.2	Records relating to the development of operational or local procedure manuals, plans and policies. Includes use of telephones, education programs, use of materials and equipment, recreational activities, general procedures for escorts and transfers, planning for research programs	Retain minimum of 7 years after superseded or action completed, then destroy