

Custodial Operations Policy and Procedures

8.14 Inmate buy-ups

Policy summary

Inmates are granted the privilege of making discretionary purchases through the weekly grocery buy-up, and the monthly activities buy-up, as part of a normalisation process consistent with their eventual reintegration into the community.

In most correctional centres, buy-ups are coordinated by Corrective Services NSW (CSNSW) through Corrective Services Industries (CSI).

Where this is not the case, governors will be guided by these policies and the attached buy-up lists, and ensure that suppliers are selected via a tender process, and in accordance with the NSW Procurement Board Directions and the Procurement Policy Framework issued by the board.

Management of Public Correctional Centres Service Specifications

Service specification	Decency and respect
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Scope

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

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1 Inmate buy-up

1.1 Grocery buy-up

Each week, or at such other intervals as may be determined, inmates may be able to purchase up to a set monetary limit, a fixed range of consumer items from the generic grocery buy-up list. Items on the list are approved by the Assistant Commissioner, Offender Management and Programs (ACOM&P), Assistant Commissioner Custodial Corrections (ACCC) and Assistant Commissioner Security and Intelligence (ACS&I).

No item can be added to that list or substituted for another without their approval (brand substitution may occur at the discretion of CSI, where the size/weight/quantity is identical).

The ACOM&P and ACCC may approve certain grocery buy-up items as available for male or female inmates only.

The buy-up is limited to 8 categories, including:

- stationery and miscellaneous
- confectionary, drinks, and snack food
- nicotine replacement products
- toiletries and hygiene
- healthier options
- culturally friendly
- grocery
- products for special location inmates only.

The Male and Female CSNSW Generic Weekly Grocery Buy-Up List can be accessed in *Forms and Annexures*, no other lists are to be used.

1.2 Activities buy-up

Once a month, inmates may be able to purchase a range of items from the CSNSW Generic Monthly Activities Buy-up List that is approved by the ACOM&P and ACCC.

No product can be added to that list or substituted for another without their approval (brand substitution may occur at the discretion of CSI, where the size/weight/quantity is identical).

The ACOM&P and ACCC may approve certain activities buy-up items as available for male or female inmates only.

1.3 Purchase of items not on the grocery or activities buy-up lists

While clause 177 of the *Crimes (Administration of Sentences) Regulation 2014* allows the Governor to permit an inmate to purchase or rent goods beyond those that appear on the buy-up lists, Governors must seek the approval of the Assistant Commissioner Custodial Corrections prior to granting such permission to an inmate. This is to ensure consistency across the state, and to prevent inmates being transferred to a correctional centre while in possession of goods that are not approved for that centre.

1.4 Buy-ups for events of cultural or religious significance

Food typically used to celebrate events of cultural or religious significance has been included in the grocery buy-up list. These items are available for purchase each week unless the privilege has been withdrawn. No additional buy-ups will be approved for any cultural or religious event (**refer to COPP section 11.2 Religious and cultural services and 11.4 Aboriginal inmate access to traditional foods**).

Gifts of food and stationery traditionally provided by approved organisations to all inmates in December each year are not buy-ups, and this practice is not affected by this policy.

The Correctional Food Services Working Party (CFSWP) is responsible for ensuring that the range of foods on the grocery buy-up list reflects the diverse nature of the inmate population, which will change over time. Items included are not expected to provide an alternative to standard CSI meals, but may be used to supplement standard meals. A small number of culturally diverse confectionary items are included.

1.5 Transgender and intersex inmates

Transgender and intersex inmates may purchase the same personal care items, cosmetics, clothing and underwear through the buy-up system as other inmates of their identified gender.

An inmate who does not identify as either male or female is to be provided with their preference in relation to purchase of personal care items, cosmetics, clothing and underwear through the buy-up system, irrespective of the gender that has been registered in Offender Integrated Management System (OIMS) for the inmate. In such cases, the Governor is to contact the CSI Corporate Office Buy-Up Division to arrange a specific centre-based buy-up and delivery for that inmate.

1.6 Delivery and recording of activities buy-up items

Items ordered in the monthly activities buy-up will be delivered to the correctional centre store, or to an area negotiated between the Governor and CSI.

The Governor is to implement local operating procedures (LOP's) to ensure that the OIMS property modules, and all other property records, are updated when the activities buy-up items are issued to inmates.

1.7 Issue times for grocery buy-up

The times when the grocery buy-up will be issued will be decided by the Governor. However, the impact on CSI should be minimised and wherever possible, the buy-up should be issued outside normal CSI business hours.

2 Adding or removing items from buy-up lists

2.1 Procedures for adding items to the generic buy-up lists

	Procedure	Responsibility
1.	Make a submission to include an item on the generic grocery or activities buy-up lists, where relevant.	Governor
2.	Send the submission to the CSI Business Manager, Operations Buy-Up, who will table the submission at a meeting of the CFSWP. A recommendation will then be made to the ACOM&P and the ACCC. Submissions will be considered by the Correctional Food Services Working Party once each year, usually in September/October.	Governor/CSI Business Manager, Operations Buy-Up

2.2 Removing items from the generic buy-up lists

If for any reason the Commissioner, the ACCC, the ACOM&P or the Assistant Commissioner Security and Intelligence (ACS&I) believe that any item on the grocery or activities list is inappropriate, they may temporarily or permanently remove the item from the list.

If a product is permanently removed, the CFSWP may recommend to the relevant Assistant Commissioner(s) that it be substituted for another product.

The Governor or Functional Manager (FM) may temporarily withdraw from their correctional centre any item on the buy-up lists that is considered a risk to safety, security, or the good order and discipline of a correctional centre.

If this occurs, a report must be sent immediately to the relevant Director, Custodial Operations and the General Manager, Corrections Intelligence Group. The Director will forward the report to the ACCC and ACOM&P with a recommendation to either re-instate the product to the generic list, withdraw it permanently from all correctional centres, or substitute it for another product.

3 Additional considerations for buy-ups

3.1 Buying limit

Inmates in maximum, medium and minimum security correctional centres may spend no more than \$120 each week on the grocery buy-up (and no more than \$140 per week at Hunter, Macquarie, and Compulsory Drug Treatment Correctional Centres only). The limit is \$150 per month on activities buy-up.

The following items will be exempt from the \$150 per month monetary limit on activities buy-up:

- goods/materials required for approved education and art and craft pursuits

- one-off purchases of items that are not consumables, and that with normal usage will have a reasonable life expectancy, such as electrical goods, audio or video equipment, running/training shoes etc.

Any change to the spending limit on a buy-up must be approved by the Commissioner and advice of that change will be circulated in memoranda from the Commissioner.

The CFSWP may recommend to the ACOM&P an increase in the weekly monetary limit that inmates may spend. Any increase must accord with the Consumer Price Index for the past 12 months and will be in whole dollars only. The CFSWP will review the limit at its first meeting after 1 July each year.

3.2 Hoarding of items purchased on the buy-up

The hoarding of goods in a cell impedes effective searches and is a risk to the security of the correctional centre. Inmates must be instructed by a general written order that the hoarding of items from the buy-up could contravene clause 47 (1) of the *Crimes (Administration of Sentences) Regulation 2014*, and therefore considered a correctional centre offence.

The frequency and availability of buy-ups is such that inmates should not need to hoard or keep unreasonable amounts of buy-up product in their cell. Inmates must only purchase grocery items that will be consumed between grocery buy-up intervals.

The only exception will be reasonable quantities of toiletries and stationery. This strategy will reduce the opportunity for other inmates to take by force or coercion other inmate's buy-ups and it must be enforced by regular searching.

3.3 Limits on the amount of grocery buy-up items an inmate may keep in their cell

Inmates in maximum, medium and minimum security correctional centres may retain no more than \$120 worth of grocery buy-up products (or \$140 worth in Hunter, Macquarie, and Compulsory Drug Treatment Correctional Centres) plus a reasonable quantity of toiletries and stationery in their cell at any one time.

The Governor must inform inmates of these limits by a written general order and thereafter the Governor may order the confiscation and disposal of cell property that exceeds these limits.

A record must be kept of all property that is confiscated and/or disposed of (clause 47(3) of the *Crimes (Administration of Sentences) Regulation 2014*). No compensation will be paid for any property that is confiscated in accordance with the regulation and this policy.

3.4 Procedures for disposal of opened or partly consumed food

Significant health and security issues arise from opened or partly consumed food that is left in cells. Consequently, opened or partly consumed food or grocery items purchased on the buy-up must not be kept or stored and the following procedures implemented:

	Procedure	Responsibility
1.	Inform inmate that food may be confiscated or disposed of if an inmate has opened or partly consumed food in their cell. An inmate must be given the opportunity to consume the food (if it is safe and healthy to do so) or dispose of it within a reasonable period of time.	Correctional officer
2.	Seek permission from a FM to dispose of the item.	Correctional officer
3.	Make a note in the <i>Accommodation Journal</i> of any item that is disposed of, including the name of the FM who approved the disposal. No compensation will be paid for items disposed of in accordance with this policy.	Correctional officer

3.5 Using buy-up items as currency

The use of buy-up items as a form of currency within the correctional centre is prohibited. Correctional officers must be alert to inmates who have unreasonable quantities of buy-up items in their cells or on their person and make enquiries to establish how the inmate acquired the property. Such inquiries must include a review of that inmate's buy-up purchases to validate if the items have been legitimately purchased.

If the review of buy-up purchases proves that property has not been legitimately purchased by the inmate then it is to be confiscated and no compensation will be payable to the inmate. The officer who confiscates the property must submit a report to the Governor.

3.6 Taking buy-up items on escort

Inmates are only permitted to take a small quantity of grocery buy-up with them on transfer to another correctional centre. Grocery buy-up items must fit within the property limits outlined in **COPP section 4.5 Property on transfer**. This is inclusive of all confectionary, canned drinks, and toiletries.

For security and health reasons, only factory sealed toiletries, food, and drink products will be accepted on the escort. The inmate must consume or dispose of any partly consumed or opened food prior to the escort. No compensation will be paid for any grocery buy-up goods that the inmate has in excess of these limits and are thus required to be disposed of before the escort.

3.7 Additional buy-ups

Unless explicitly authorised by this policy or as determined by the ACOM&P, no other type of food, drink or grocery buy-up (however else it may be described) is allowed. This includes a prohibition on special occasion chocolate, meat, vegetable or health food purchases.

Nothing in this policy limits the ACOM&P from authorising additional buy-ups as appropriate.

3.8 Withdrawing the grocery buy-up for disciplinary offences

The grocery buy-up is a privilege granted to inmates. The privilege is dependent on the inmate's compliance with the routine and rules of the correctional centre and must only be withdrawn for a period of time if the inmate is found guilty of a correctional centre offence.

No local policy that arbitrarily removes an inmate's access to the buy-up (for example if the inmate is dismissed from their employment or who is deemed to be a non-worker) is permitted.

Governors have the discretion to allow an inmate, who has had access to buy-up removed for disciplinary reasons, to spend up to \$25 per week on toiletry and hygiene items or nicotine replacement items.

3.9 Limited exemptions to this policy for minimum security correctional centres

On application by the Governor of a minimum security correctional centre, the ACCC may grant limited exemptions to this policy. The exemptions will be limited to minimum security correctional centres and, in the prescribed circumstances set out below, will allow inmates to purchase a small range of perishable food products. Perishable food purchased for this purpose must not be stored in cells.

Importantly, the exemption will only be granted when inmate cooking is part of a recognised and approved pre-release living skills course or program, or as otherwise authorised by the ACCC. Such a program will not extend to all inmates at the correctional centre.

All kitchen tools, implements and appliances are to be bought and retained by the correctional centre. Additionally, the exemption will only be granted if the correctional centre has appropriate storage, preparation, cooking, cleaning and waste disposal facilities.

The application by the Governor to the ACCC (submitted through the relevant Director, Custodial Operations) must include details of the pre-release or living skills program. The application must also set out the:

- number of inmates involved in the program
- proposed range of perishable food products that will be made available to the inmates
- details of the proposed storage, preparation, cooking, cleaning and waste disposal facilities.

If an exemption is granted, the purchase of perishable food is included in, and not in addition to, the \$120 weekly monetary limit.

4 Quick links

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

5 Definitions

ACCC	Assistant Commissioner Custodial Corrections
ACOM&P	Assistant Commissioner Offender Management and Programs
ACS&I	Assistant Commissioner Security and Intelligence
CFSWP	Correctional Food Services Working Party
COPP	Custodial Operations Policy and Procedures
CSI	Corrective Services Industries
FM	Functional Manager
LOP	Local Operating Procedure
NRT	Nicotine Replacement Therapy
OIMS	Offender Integrated Management System

6 Document information

Business centre: Custodial Operations

Approver: Kevin Corcoran

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Version	Date	Reason for amendment
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1.0		Initial publication (<i>Replaces section 12.6 of the superseded Operations Procedures Manual</i>)
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1.1	12/03/20	General formatting update and improvements
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1.2	03/12/20	Addition of part [1.3] <i>Purchase of items not on the grocery or activities buy-up lists</i> which requires Governor's to seek the Assistant Commissioner of Custodial Corrections' approval for inmates to purchase items that do not appear on the buy-ups lists. Refer to ACCC Memo 2020/27.
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1.3	08/08/23	Changes to monetary values in subsections 3.1, 3.3, 3.8, and 3.9 due to inflation (refer to Commissioner's Memorandum 2023/04).
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1.4	11/10/23	Inclusion of CDTCC in subsection 3.1 <i>Buying limit</i> , and 3.3 <i>Limits to the amount of grocery buy-up items inmates can keep in their cell</i>
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