

# Emergency Management Days – COVID-19

## Fact sheet for prisoners

### What is an Emergency Management Day?

An Emergency Management Day (EMD) is a day deducted from your sentence due to the impact of particular circumstances on you.

This can occur where you have been of **good behaviour** while suffering disruption or deprivation:

- during an industrial dispute or emergency at the location; or
- in circumstances of an unforeseen and special nature.

The rules relating to EMDs are set out in the *Corrections Act 1986* and the Corrections Regulations 2019.

### Will EMDs be granted for the coronavirus (COVID-19) situation?

If you have suffered disruption or deprivation due to the response to COVID-19, you will be automatically considered for EMDs, **unless** you have demonstrated poor behaviour, in which case you will need to apply. Disruption or deprivation includes restrictive regimes because of COVID-19 or having your out-of-cell time significantly restricted due to being placed in a protective quarantine unit for 14 days on reception.

Decisions about the granting of EMDs will be made on an individual basis.

### Do I need to apply for EMDs?

#### Disruption or deprivation because of coronavirus (COVID-19)

If you have been of **good behaviour**, you do not need to apply for EMDs.

If you have been of **poor behaviour**, you will need to apply for EMDs, as per the usual process. You will receive a letter if you have been excluded from automatic consideration of EMDs. The letter will explain how you can apply for EMDs.

### EMDs for other reasons

You may apply for EMDs for other reasons that are unrelated to COVID-19 per usual processes.

### What does poor behaviour mean?

**Poor behaviour is involvement in any prison incident**, except for incidents such as medical incidents, self-harm, injury or accidents.

### How many EMDs may be granted?

Under the *Corrections Act 1986*, the number of emergency management days granted must not exceed:

- a) 4 days for each day or part of a day on which the industrial dispute or emergency exists;
- b) Up to 14 days in other circumstances of an unforeseen and special nature.

The COVID-19 emergency falls into category a).

While up to 4 days is the maximum allowance under the *Corrections Act 1986*, the Commissioner has determined that during the COVID-19 emergency, the number of EMDs granted will be **close to equivalent to the number of days of disruption or deprivation**.

The approach is in line with community expectations and the current level of disruption occurring in the broader community, with most individuals not leaving their place of residence except for essential reasons.

### Am I still eligible for EMDs if I am working as a billet during the disruption?

Yes, prisoners who are essential workers (e.g. billets, peer workers) will automatically be considered for EMDs.

## Am I still eligible for EMDs if I am close to my end of sentence date?

Yes, you will automatically be considered for EMDs.

## Am I still eligible for EMDs if I have been involved in an incident?

If you are involved in an incident during the COVID-19 emergency, you will not be automatically considered for EMDs for the fortnight period covering when the incident occurred.

You will receive a letter if you have been excluded from automatic consideration of EMDs. The letter will explain how you can apply for EMDs.

To be considered for EMDs, you need to complete **Form 1 of the Commissioner's Requirements – Application for Emergency Management Days** indicating why you should be considered.

Please ask a staff member for a copy of this form to complete. Once completed, the form will be forwarded to the relevant decision maker for consideration and decision.

## Am I still eligible for EMDs if there is a significant security incident at the prison?

EMDs do not apply to any prisoners (even if they were not involved) where any prisoners cause or contribute to a significant security incident at that prison.

An example of this is causing or inciting unrest which results in the prison being locked down.

## Will EMDs be granted for the suspension of personal visits?

Prisoners will not be automatically considered for EMDs for the suspension of personal visits.

While personal visits are suspended, this has been replaced with increased access to phone calls, video calls, and mail. Prisoner email has also been implemented at all prisons to increase communication access to family and friends.

This approach is in line with community expectations and the current level of disruption

occurring in the broader community, with most individuals interacting with family and friends remotely through telephone, video and email.

## Will EMDs be granted for changes to the structured day?

Prisoners will not be automatically considered for EMDs for changes to the structured day.

Contracted program providers, including education, are still able to come into prisons to deliver programs and services in ways that support physical distancing. In line with the approach in the community, increasingly, service provision is moving to the use of remote technology.

## How will I know if EMDs have been granted?

If EMDs are granted for you, the Sentence Calculation and Warrant Administration Unit will ensure that the approval is recorded and that your sentence is reduced by the relevant number of days.

When EMDs are granted, a notice will be issued to all prisons impacted. This will be communicated to you through existing communication channels, such as the prisoner group. Individual letters will not be sent to prisoners if they have been granted EMDs.

Individual letters will be sent to prisoners who have been excluded because of poor behaviour. The letter will explain how you can apply for EMDs should you wish to be considered for them.

If you are a **sentenced prisoner**, any EMDs granted would be applied to your sentence automatically.

If you are **on remand**, any EMDs granted would be applied to any sentence of imprisonment you receive as part of a continuous period of imprisonment.

If you are granted EMDs but are released from prison after this period of remand, the EMDs will not be applied, even if you return to prison at a later time.