

Australian Capital Territory

Corrections Management (Transitional Release) Policy 2010

Notifiable instrument NI2010-576

made under the

***Corrections Management Act 2007*, section 14(1) (Corrections policies and operating procedures)**

1 Name of instrument

This instrument is the *Corrections Management (Transitional Release) Policy 2010*.

2 Commencement

This instrument commences on the day after it is notified.

3 Policy

I make the

TRANSITIONAL RELEASE POLICY

attached to this instrument, to facilitate the effective and efficient management of correctional services.

4 Revocation

This instrument revokes notifiable instrument NI2009-589.

[SIGNED]

James Ryan

Executive Director

ACT Corrective Services

15 October 2010



Alexander Maconochie Centre (AMC)



TRANSITIONAL RELEASE POLICY

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Purpose

To outline the Transitional Release Policy.

Authority

Legislation

Corrections Management Act 2007, Chapter 12 and section 14.

Policy

Principles

The purpose of Transitional Release is to allow prisoners the opportunity to gradually re-integrate with the community. Transitional Release will provide prisoners with the opportunity to experience pro-social activities and behaviour in the community through leave, while being supported by the structure and support of the Alexander Maconochie Centre (AMC) until their release from custody.

A prisoner may be granted transitional leave from the AMC for the purpose of Local Leave, Interstate Leave, Educational Leave and Work Experience Leave to facilitate that prisoner’s reintegration into the community and/or workforce in anticipation of their imminent release.

Process

Eligibility for Transitional Release

The eligibility criteria for Transitional Release are prescribed under the *Transitional Release Procedure*.

The Superintendent may consider any sentenced prisoner if the prisoner has:

- less than 12 months left on their sentence (however the Superintendent may consider prisoners who fall outside of this in some circumstances and in discussion with the Deputy Executive Director);
- achieved a minimum-security rating and poses a minimal risk to the security of the community;
- had a good discipline record for a period no less than 3 months prior to their application for TRC;
- not produced a positive urine samples for non prescribed drugs in the last six months based on at least two urine samples; and
- completed programs to address their offending behaviour outlined in the prisoner's case management plan.

If the prisoner is subject to a life sentence, then they must have a determined release date in addition to the above dot points.

A prisoner who has not been sentenced is not eligible to apply for Transitional Release.

All types of leave granted to a prisoner are a privilege and transitional applications will be assessed in relation to the aim to assist in reintegration, the good conduct of the prisoner and the merits of the application.

A prisoner whom has been granted a Transitional Release security classification may be relocated to the Transitional Release Centre (TRC) in liaison with the Manager of Transitional Release and at the discretion of the Superintendent.

Eligibility for Leave Following Transfer to TRC

Prisoner's who are approved for Transitional Release will not be granted any leave for a period of twenty eight (28) days, unless otherwise deemed differently by the Superintendent. This period will allow ACT Corrective Services (ACTCS) staff to prepare documentation and will also allow the prisoner the opportunity to familiarise him/herself with the TRC and its open surrounds if transferred to TRC.

Conditions on TRC Leave

The following conditions will be imposed on all leave permits, if applicable:

- (a) not commit an offence;
- (b) be of good behaviour and conduct during the period of the grant of leave;
- (c) abstain from consuming alcohol or the use of non-prescribed drugs;
- (d) not visit a place selling/serving alcohol;
- (e) refrain from gambling;
- (f) not associate with any other prisoner, ex-prisoner or person of ill-repute;
- (g) remain in the company of their sponsor at all times;
- (h) not to leave the Australian Capital Territory;
- (i) agree to abide by other conditions as specified; and

- (j) any other conditions imposed by the Superintendent.

Sponsors

A sponsor will only be required for the purpose of Local or Interstate Leave. A sponsor shall not sponsor more than one prisoner at any given time, unless approved by ACTCS.

A sponsor shall be a person who is considered by the Superintendent to be capable of effectively supervising the prisoner while on release. The sponsor shall remain with the prisoner at all times while that prisoner is on Local or Interstate Leave. The sponsor is to mentor appropriate behaviour at all times and inform ACTCS immediately if they believe there is a risk of further offence or a risk to the safety of another person or the community.

The final decision as to the suitability of a person to be a sponsor is at the discretion of the Manager Transitional Release Centre, who will make recommendation to the Sentence Planning Group.

To be considered as a sponsor, an *Australian Federal Police National Police Check Application form* and *Consent to Release Spent Convictions form* must be completed.

The sponsor will also need to meet the following criteria, unless approved by Superintendent:

- is aged 25 years or over;
- does not have a criminal record or any pending charges. However, in rare circumstances, a proposed sponsor with a criminal record may still be considered. This will be determined on a case-by-case basis;
- the relationship between a prisoner and sponsor should be of long standing and preferably have commenced prior to the prisoner's imprisonment, with the sponsor having maintained contact, including regular visits throughout the prisoner's imprisonment;
- the proposed sponsor's home environment and attitude should compliment the purpose of the program; a home visit and inspection will be conducted by ACTCS staff for sponsorship approval; and
- provide a positive role model for the prisoner. An interview will be conducted with ACTCS staff prior to sponsorship approval.

The sponsor will comply with the following criteria:

- encourage the prisoner to comply with the conditions of the Local or Interstate Leave;
- inform corrections officers regarding any difficulties experienced during the leave;
- ensure that they immediately advise the Transitional Release Centre of any occurrence that affects the prisoner's ability to comply with their approved Leave Permit; and
- ensure that the prisoner is at the nominated meeting place during approved excursions.

A sponsor must remain within close proximity to the prisoner at all times during the leave. The Superintendent will approve variations or additional sponsors, only if the already approved sponsor is not available for the majority of the program.

Local Leave

The Superintendent may give a prisoner local leave for up to seven (7) consecutive days as considered appropriate. The consideration for a prisoner's participation in local leave should be viewed as a risk assessment process.

A Local Leave Permit will be issued each time a prisoner is granted leave. The Local Leave Permit must be kept on the prisoner at all times while on leave.

Any Local Leave Permits granted will include the following information:

- the purpose for which the leave is granted;
- the location(s) at which the prisoner has approved leave;
- an itinerary of proposed activities for the duration of the leave;
- the period for which the leave is granted; and
- any conditions placed on the leave by ACTCS.

Local leave may be escorted or unescorted. The decision as to escort requirements will be made by the Superintendent following consideration of the purpose of the leave, the risk to the community, and any other factors deemed relevant and in accordance with the *Escort Policy and Procedure*.

Interstate Leave – By Authority of the Executive Director

In accordance with section 208 of the *Corrections Management Act 2007* the Executive Director may give a prisoner permission to travel to and from, and remain in, a participating State or Territory for up to seven (7) consecutive days, for any reason considered appropriate.

A new Interstate Leave Permit must be issued each time a prisoner is granted Interstate Leave. The Interstate Leave Permit must be kept on the prisoner at all times while on leave.

The Interstate Leave Permit will include the following information:

- the State or Territory to which the permit applies;
- the purpose for which the leave is granted;
- an itinerary of proposed activities for the duration of the leave;
- the period for which leave is granted; and
- any conditions placed on the leave by the Executive Director.

Interstate leave may be escorted or unescorted. This decision will be made by the Superintendent following a consideration of the purpose of the leave, the risk to the community, and any other factors deemed relevant.

All interstate escorted leave will be conducted in accordance with the *Escort Policy and Procedure*.

Education/Work Experience Leave

The Superintendent may give a prisoner Education/Work Experience Leave for the period of the work experience arrangement with the employer / term of educational course or as considered appropriate. The consideration for a prisoner's participation in Education/Work Experience Leave should be viewed as a risk assessment process.

The purpose of Education/Work Experience Leave may include, but is not limited to:

- taking part in work or work-related activities; and/or
- education (approved activities).

A new Work Experience & Education Leave Permit must be issued each time a prisoner is granted leave. This permit must be kept on the prisoner at all times while on leave.

The Work Experience/Education Leave Permit will include the following information:

- the purpose for which the leave is granted;
- the location/s at which the prisoner is to undertake the approved activity;
- the period for which the leave is granted; and
- any conditions placed on the leave by ACTCS.

Education/Work Experience Leave may be escorted or unescorted. The decision as to escort requirements will be made by the Superintendent following consideration of the purpose of the leave, the risk to the community, and any other factors deemed relevant and in accordance with the *Escort Policy and Procedure*.

Powers of Escort Officers

To maintain custody of the prisoner an Escort Officer may:

- give the prisoner direction that the officer believes, on reasonable grounds, is necessary and reasonable; and/or
- use force in accordance with the *Use of Force Policy and Procedure*.

An Escort Officer may conduct a scanning search, frisk search or ordinary search of the prisoner if the officer suspects, on reasonable grounds that the prisoner may be carrying a prohibited thing. Searches will be conducted in accordance with the *Searching Procedure and Policy*.

Suspension or Cancellation of Transitional Release Leave

All types of leave may be cancelled or suspended at any time at the absolute discretion of the Superintendent or Executive Director. This shall be stated on the leave permit.

Forms/Templates

Transitional Release Application Form
Application for Excursion during Leave form
Sponsor's Nomination Form
AFP National Police Check
Consent to Release Spent Convictions
Prisoner Leave Movement Sheet
Prisoner Local Leave Application Form

Prisoner Local Leave Permit
Local Leave Conditions & Declaration by Sponsor
Local Leave Conditions & Declaration by Prisoner
Prisoner Interstate Leave Application Form
Prisoner Interstate Leave Permit
Interstate Leave Conditions & Declaration by Sponsor
Interstate Leave Conditions & Declaration by Prisoner
Prisoner Leave Application Form (Work Experience & Education)
Work Experience & Education Leave Permit
Prisoner Work Experience Program Conditions & Declaration by Prisoner
Prisoner Work Experience Program Conditions & Declaration by Employer
Prisoner Education Conditions & Declaration by Education Provider
Prisoner Education Conditions & Declaration by Prisoner

Related policies and procedures

Transitional Release Procedure
Prisoner Leave Policy
Hierarchy of Privileges Policy
Prisoner Employment Policy
Prisoner Remuneration Policy
Searching Policy
Searching Procedure
Escort Policy
Escort Procedure
Use of Force Policy
Use of Force Procedure