

Australian Capital Territory

# Corrections Management (Transitional Release Program) Policy 2020

Notifiable instrument NI2020-746

made under the

Corrections Management Act 2007, s14 (Corrections policies and operating procedures)

---

## 1 Name of instrument

This instrument is the *Corrections Management (Transitional Release Program) Policy 2020*.

## 2 Commencement

This instrument commences on the day after its notification day.

## 3 Policy

I make this policy to facilitate the effective and efficient management of correctional services.

## 4 Revocation

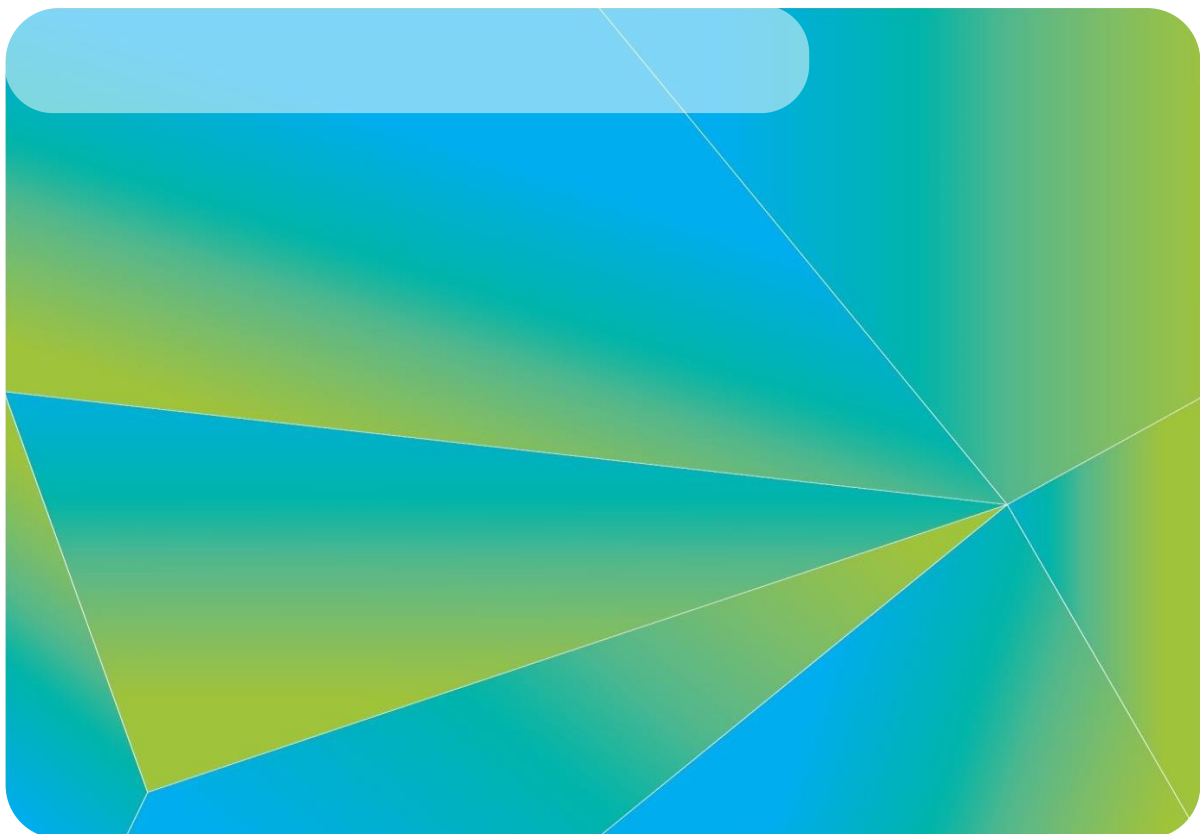
This instrument revokes the *Corrections Management (Transitional Release) Policy 2010* [NI 2010-576], *Corrections Management (Prisoner Leave) Policy 2010* [NI 2010-391], *Corrections Management (Prisoner Leave) Procedure 2010* [NI 2010-390] and *Corrections Management (Work Release) Policy 2012* [NI 2012-279].



Jon Peach  
Commissioner  
ACT Corrective Services  
25 November 2020

# TRANSITIONAL RELEASE PROGRAM

POLICY NO. D26



**ACT**  
Government

Justice and Community Safety

## Contents

1	PURPOSE .....	4
2	SCOPE.....	4
3	PRINCIPLES .....	4
4	TRANSITIONAL RELEASE PROGRAM .....	5
5	APPLICATION .....	7
6	ASSESSMENT .....	8
7	TRANSITIONAL RELEASE PLAN.....	12
8	SPONSORS .....	13
9	WORK PROVIDER AGREEMENTS .....	14
10	TRANSITIONAL RELEASE CENTRE (TRC).....	16
11	ACCESSING LEAVE .....	17
12	MONITORING AND REVIEW .....	19
13	CANCELLATION .....	20
14	APPEALS .....	21
15	RECORDS AND GOVERNANCE .....	21
16	RELATED DOCUMENTS.....	21

## **1 PURPOSE**

ACT Corrective Services (ACTCS) is committed to ensuring that a structured program of transitional release from a correctional centre is available for eligible detainees to allow participation in reintegrative activities that contribute to a successful return to the community.

ACTCS is committed to ensuring that community safety is of paramount concern and comprehensive risk assessments are completed prior to participation in the transitional release program.

This policy establishes the transitional release program for correctional centres.

## **2 SCOPE**

This policy applies to all correctional centres in the ACT.

Where required, relevant Divisional Executives will establish operational procedures under this policy.

## **3 PRINCIPLES**

3.1 ACTCS recognises:

- a. the importance of transitional release in supporting rehabilitation and preparing detainees for return to the community; and
- b. the disadvantage that custody provides to securing employment in the community.

3.2 Through the transitional release program, ACTCS is committed to ensuring that detainees can engage in structured access to:

- a. work in the community;
- b. maintaining family ties
- c. education; and
- d. resocialisation activities.

3.3 Participation in the transitional release program is a special privilege for which eligible detainees must apply to participate in.

3.4 ACTCS takes into consideration the views of victims of an offender in considering their eligibility for access to transitional release.

- 3.5 Detainees applying for the transitional release program are subject to comprehensive risk assessment and will not be permitted to participate where it would present an unacceptable risk to community safety or undermine public confidence in the administration of justice.
- 3.6 Reintegration is a principle of ACTCS sentence management. Sentence Management Officers will work with a detainee towards transitional release as a part of their Sentence Management Plan (Sentence Management Policy).

## 4 TRANSITIONAL RELEASE PROGRAM

- 4.1 Where a detainee wishes to access one-off or ad hoc temporary leave from a correctional centre relating to their rehabilitation or reintegration into the community, this will be managed under the Temporary Leave Policy.
- 4.2 Detainees with an approved D26.F3: Transitional Release Plan may access the following types of transitional release:
- a. community reintegration;
  - b. family ties;
  - c. education and vocation; and
  - d. work in the community.

### **Community reintegration**

- 4.3 Community reintegration activities include, but are not limited to:
- a. accessing government and community services;
  - b. participating in programs in the community; and
  - c. familiarisation activities in the detainee's future local area.
- 4.4 Detainees may access religious worship in the community where it is identified as supporting the detainee's reintegration to the community from custody.
- 4.5 There must be a clear purpose for accessing community services and the detainee must:
- a. understand the purpose and outcomes intended by accessing the service; and
  - b. understand what aspects of their reintegration are being addressed and how outcomes will be supported.
- 4.6 A current agreement may be required between ACTCS and a community service provider for a detainee to access a program or service in the community.

4.7 A detainee’s Sentence Management Officer may contact service providers to obtain a report on the detainee’s behaviour and feedback on the impact of the reintegration activity.

#### **Family ties**

4.8 Family ties may be identified in a detainee’s *D26.F3: Transitional Release Plan* to allow them to spend time with family members or those with whom the detainee will be residing with on return to the community.

4.9 Detainees must have an approved sponsor under section 8 to access family ties leave.

4.10 The need to maintain family ties will vary between detainees, however the following detainees may require more access to family ties activities:

- a. detainees who are the primary carers for children; and/or
- b. detainees who are the carers for a parent or person who has been *in loco parentis* for the detainee.

4.11 Detainees participating in the transitional release program may be approved for overnight leave to reside with their family subject to risk assessment and approval:

<b>Overnight stays</b>	Maximum of 24 hours
<b>Weekend leave</b>	Maximum of 48 hours, unless over public holidays

4.12 Detainees will not be approved to spend time with a former detainee where a relationship was established during the current period in custody.

4.13 Where a detainee intends to spend temporary leave in the company of any child under the care of Child and Youth Protection Services (CYPS), the detainee’s Sentence Management Officer is responsible for:

- a. confirming that the contact is approved by CYPS; and
- b. informing CYPS of the leave and supervision requirements.

#### **Education and Vocation**

4.14 The transitional release program allows detainees to participate in education or vocational study in the community.

4.15 Tertiary or vocational providers must approve a detainee’s attendance prior to participation and should confirm they are aware that the detainee is in the custody of ACTCS.

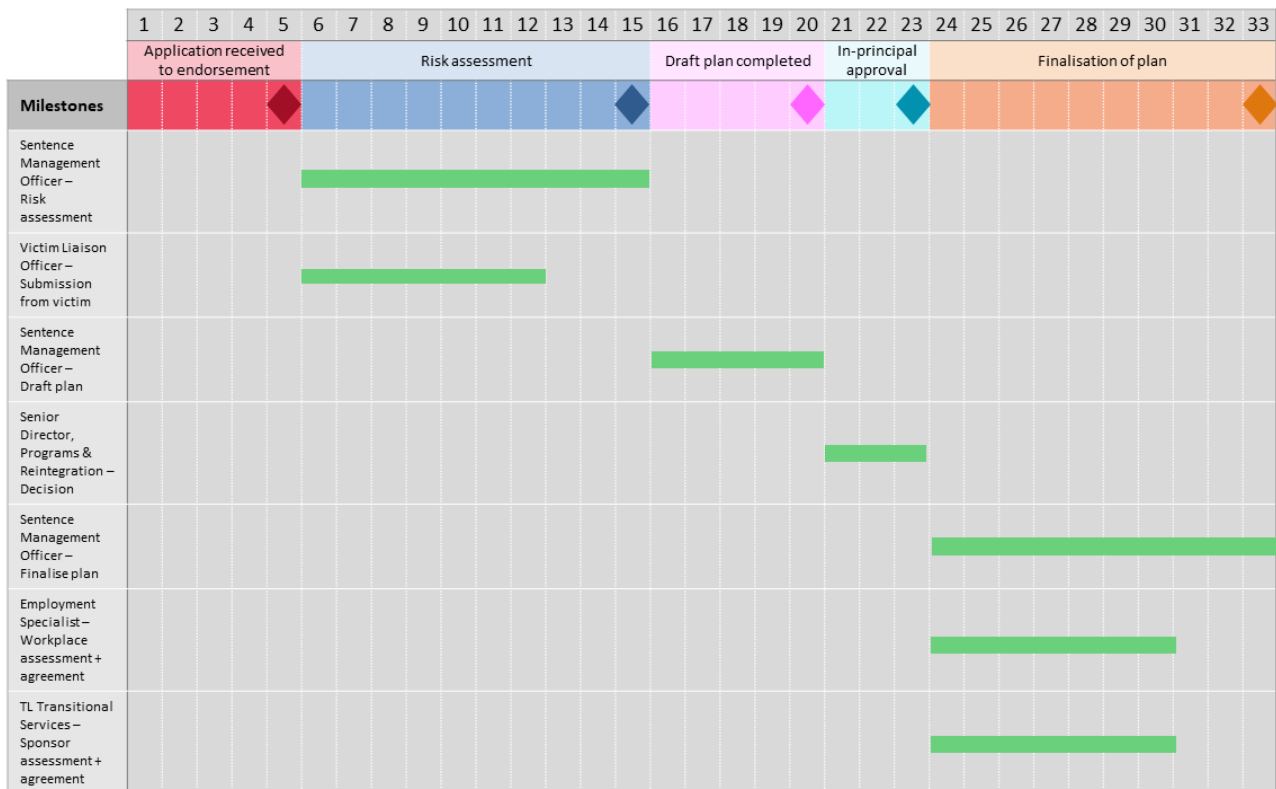
## Work providers

- 4.16 Detainees can access work experience and paid work placements in the community where identified in their D26.F3: Transitional Release Plan.
- 4.17 The following work provider placements will not be approved:
- a. selling or serving of alcohol;
  - b. sex industry;
  - c. work in a gambling establishment; or
  - d. security work.
- 4.18 Detainees who:
- a. are not eligible for Working With Vulnerable People registration; or
  - b. have been sentenced for a sexual offence,
- will not be permitted to participate in work that includes unsupervised contact, or potential contact, with children or vulnerable adults.
- 4.19 Male detainees must be accommodated in the Transitional Release Centre (TRC) in order to access a work provider placement in the community.

## 5 APPLICATION

- 5.1 Detainees who meet the following minimum eligibility criteria may apply for the transitional release program by completing the relevant sections of a D26.F1: Transitional Release Application:
- a. Minimum 1 or 2 security classification under the Detainee Classification Policy;
  - b. Standard or Enhanced level under the Incentives and Earned Privileges Policy;
  - c. 12 months or less remaining on their non-parole period or sentence;
  - d. no positive urinalysis test results under the Drug and Alcohol Testing Policy in the prior six (6) months, where tested;
  - e. no administrative penalties or disciplinary breaches in the prior six (6) months;
  - f. no immigration hold, notice of intention to cancel visa or intended extradition to another jurisdiction; and
  - g. all criminal legal matters finalised.
- 5.2 A detainee may apply six (6) weeks before they become eligible under section 5.1(c).

- 5.3 To apply, a detainee should discuss their intentions with their Sentence Management Officer, who will complete the eligibility criteria checklist in a *D26.F1: Transitional Release Application*.
- 5.4 Where a detainee is confirmed to be eligible under section 5.3, the Sentence Management Officer will provide the *D26.F1: Transitional Release Application* to the detainee for completion of the relevant section within two (2) business days of a request from a detainee.
- 5.5 Where a detainee does not meet the eligibility criteria under section 5.1, the Sentence Management Officer will discuss relevant goal setting with the detainee to support them to meet the eligibility requirements. This must be documented in a case note on the detainee’s electronic record system.
- 5.6 Detainees who have literacy difficulties or request support will be supported by their Sentence Management Officer to complete an application together.
- 5.7 The following timeframes apply once an application is received:



## 6 ASSESSMENT

- 6.1 On receipt of a *D26.F1: Transitional Release Application*, the detainee’s Sentence Management Officer will request a report of any adverse current intelligence relating to the detainee from the Intelligence and Integrity Unit.



- 6.2 The Sentence Management Officer will consider whether:
- a. there is any adverse current intelligence relating to the detainee; and
  - b. the detainee has demonstrated comprehensive engagement with their Sentence Management Plan (Sentence Management Policy).
- 6.3 Where satisfied under section 6.2, the Sentence Management Officer will endorse the application to proceed to risk assessment and preparation of a draft D26.F3: Transitional Release Plan for the detainee.
- 6.4 Where a detainee is not endorsed under section 6.3, the Sentence Management Officer will refer the application and all related documents to the Team Leader, Sentence Management, for a decision. Where the Team Leader, Sentence Management, agrees that an application should not proceed, they will provide written reasons for the decision to the detainee.

#### **Risk Assessment**

- 6.5 A detainee's Sentence Management Officer is responsible for completion of the D26.F2: Transitional Release Risk Assessment.
- 6.6 The risk assessment will include information relating to the following:
- any intelligence provided by law enforcement agencies regarding the risk presented by the detainee to the community
  - conduct of the detainee in the correctional centre
  - any comments provided by the Victim Liaison Officer.
- 6.7 A D26.F2: Transitional Release Risk Assessment will be completed within 10 business days of endorsement of the application as far as practicable.

#### **Victim submission**

- 6.8 The Victim Liaison Officer will provide any registered victim of a detainee with information on the transitional release application and seven (7) days' notice to make a submission on the detainee accessing transitional release from a correctional centre.
- 6.9 The Victim Liaison Officer may also provide written feedback on available information in relation to any victim of the detainee in accordance with section 6.6.
- 6.10 Any submissions received by the Victim Liaison Officer under section 6.8 will only be provided to the Senior Director, Programs and Reintegration for consideration in their decision. The Senior Director, Programs and Reintegration

will provide any submissions to the Deputy Commissioner Custodial Operations or Commissioner as required for their approval under section 7.

- 6.11 The Senior Director, Programs and Reintegration, will ensure that all submissions under section 6.10 remain confidential and are not distributed or held with a detainee's records.

**Draft Transitional Release Plan preparation**

- 6.12 The Sentence Management Officer will consult with the detainee to identify the transitional release activities that relate to each reintegration goal in the detainee's *Sentence Management Plan* by considering the following factors:

Type of leave	Consideration
<b>Work</b>	<ul style="list-style-type: none"> <li>• Skills and qualifications relevant to the work</li> <li>• Risks the employment area poses for the detainee</li> <li>• The detainee's current work and their performance in it</li> <li>• The contribution of the work skills to the detainee's reintegration</li> <li>• The detainee's need for work</li> </ul>
<b>Family ties</b>	<ul style="list-style-type: none"> <li>• Whether the detainee is ordinarily the primary carer of children or parents</li> <li>• Availability of close family members in the jurisdiction</li> <li>• Whether a close family member was a co-offender with the detainee, and whether there is a history of violence and/or CYPs involvement</li> </ul>
<b>Rehabilitative</b>	<ul style="list-style-type: none"> <li>• Clearly identified activities to support the detainee's needs</li> <li>• Service providers are identified and support the detainee's involvement</li> </ul>
<b>Reintegration</b>	<ul style="list-style-type: none"> <li>• Relevant vocational or tertiary education, or any current enrolment</li> <li>• Identified activities required to support return to the community</li> </ul>

- 6.13 A draft *D26.F3: Transitional Release Plan* will be developed that:
- identifies the activities relevant to the detainee's reintegration into the community;
  - determines the amount of leave in any one (1) month period required for the detainee to meet their goals; and
  - identifies supports for the detainee while on transitional release.
- 6.14 Where a detainee wishes to work in the community, written confirmation from the relevant work provider must be provided to indicate their willingness to provide work for the detainee.
- 6.15 Detainees who do not have an identified work provider in the community will be considered for participation in a community work crew in consultation with the

Team Leader, Transitional Support. Participation will be subject to approval under section 10.

6.16 Where required, the Employment Specialist will meet with the detainee and their Sentence Management Officer to:

- a. discuss suitable community work providers for the detainee; and
- b. provide support on identifying and approaching potential work providers.

6.17 The Team Leader, Specialist Communities and/or Women's Services Coordinator may assist in identifying appropriate supports and activities for women detainees, and detainees with complex needs, in the community.

**In-principle approval to progress**

6.18 The Sentence Management Officer will provide the following completed documents to the Senior Director, Programs and Reintegration:

- a. D26.F1: Transitional Release Application;
- b. D26.F2: Transitional Release Risk Assessment;
- c. draft D26.F3: Transitional Release Plan; and
- d. any related documents.

6.19 The Senior Director, Programs and Reintegration, will review the documents and grant or refuse in-principle approval for the application to proceed to finalisation of the D26.F3: Transitional Release Plan.

6.20 In deciding whether to grant or refuse in-principle approval, the Senior Director, Programs and Reintegration, will consider:

- a. community safety and confidence in the administration of justice;
- b. any issues raised in the risk assessment;
- c. the likelihood of the detainee failing to comply with the conditions of leave from a correctional centre, including further offending;
- d. any history of escape or attempted escape from custody;
- e. any victim submission/s; and
- f. whether the detainee has previously had their participation in transitional release cancelled.

6.21 In providing in-principle approval, the Senior Director, Programs and Reintegration, may include any relevant conditions or limitations.

- 6.22 Where an application is not approved under section 6.19, the detainee will be informed in writing by the Sentence Management Officer of the reasons for the refusal.

## 7 TRANSITIONAL RELEASE PLAN

- 7.1 Where a detainee has received in-principle approval under section 6.21, the Senior Director, Programs and Reintegration, is responsible for ensuring completion of the following processes by the Sentence Management Officer and Team Leader, Specialist Communities and approvals for a *D26.F3: Transitional Release Plan*:
- a. for a detainee wishing to participate in family ties leave, a sponsor must be assessed and approved in accordance with section 8;
  - b. nominated work providers must be assessed and approved under section 9;
  - c. community, education or vocational services a detainee wishes to access in the community must confirm their willingness for the detainee to participate; and
  - d. an updated report on the detainee is provided by the Intelligence and Integrity Unit.
- 7.2 As far as practicable, a *D26.F3: Transitional Release Plan* will be finalised within 10 business days. The processes in sections 7.4-7.10 may be conducted pending confirmation of a criminal records check under section 8.3(c).
- 7.3 The time allowed for transitional release must be appropriate for each activity and inclusive of travel time.

### Approval of finalised Transitional Release Plan

- 7.4 The finalised *D26.F3: Transitional Release Plan* and all relevant documents will be provided to the DCCO for their decision to approve or refuse the plan.
- 7.5 In approving a detainee's *D26.F3: Transitional Release Plan*, the DCCO will consider:
- a. including any relevant conditions or limitations, including where a nominated sponsor has been rejected;
  - b. whether appropriate travel arrangements are in place for the detainee; and

- c. whether the detainee should be accommodated in the Transitional Release Centre under section 10.

7.6 The DCCO may recommend revisions to a finalised D26.F3: Transitional Release Plan. Revisions should be completed within 5 business days as far as practicable.

#### **Interstate transitional release**

7.7 Where a detainee's finalised D26.F3: Transitional Release Plan includes interstate leave, the DCCO will provide a recommendation to the Commissioner.

7.8 The Commissioner will consider section 7.6 in approving or refusing the D26.F3: Transitional Release Plan.

7.9 The Commissioner may recommend revisions to a finalised D26.F3: Transitional Release Plan. Revisions should be completed within 5 business days as far as practicable.

7.10 Where a D26.F3: Transitional Release Plan is not approved by the DCCO or Commissioner, the detainee will be informed in writing by the Sentence Management Officer of the reasons for the refusal.

7.11 Where approved, the Sentence Management Officer will provide a copy of the finalised D26.F3: Transitional Release Plan to the detainee.

## **8 SPONSORS**

8.1 A sponsor is required for a detainee to be approved for transitional release to maintain family ties.

8.2 Where a sponsor is required, the detainee must submit a completed D26.F8: Sponsor Nomination.

8.3 Sponsors are required to meet the following minimum criteria to be considered for eligibility under this policy:

- a. must be 25 years of age or greater;
- b. must have a long-standing relationship with the detainee that commenced prior to the detainee's incarceration, and maintain regular and current contact with the detainee;
- c. must not have pending charges and must disclose previous offences, if any; and
- d. be able to comply with the conditions of a D25.F5: Transitional Release Leave Application and D25.F9: Sponsor Agreement, including always remaining in the company of the detainee.

### **Sponsor assessment**

- 8.4 Where a D26.F8: Sponsor Nomination has been received, the Senior Director, Programs and Reintegration is responsible for ensuring that the following actions are undertaken:
- a. a criminal record check from the sponsor;
  - b. the sponsor is interviewed to assess their suitability; and
  - c. a recommendation is received from the Intelligence and Integrity Unit.
- 8.5 The Director, Intelligence and Integrity Unit, may request information from police to inform their recommendation under section 8.4(c).
- 8.6 A home visit assessment is required where a detainee will be attending the sponsor's residence during transitional release to assess and confirm:
- a. the identity of all residents at the location; and
  - b. suitability of the accommodation (Home Visit Assessment Policy).
- 8.7 Where an adult resident of the sponsor's accommodation is identified under section 8.6, the resident will be requested to supply a criminal records check.
- 8.8 Where a resident refuses to provide a criminal records check under section 8.7, the nominated sponsor will be rejected.

### **Sponsor approval**

- 8.9 The Senior Director, Programs and Reintegration will consider all relevant information and decide whether to approve or reject a D26.F8: Sponsor Nomination.
- 8.10 Where a sponsor has been rejected, reasons will not be provided to the detainee or the nominated sponsor where doing so may jeopardise the safety of any person, or security or good order at the correctional centre.

## **9 WORK PROVIDER AGREEMENTS**

- 9.1 Any work placement in the community whether for paid or unpaid work must be approved by the Senior Director, Programs and Reintegration, and monitored based on risk assessment of both the provider and the detainee.
- 9.2 A male detainee should be residing in the Transitional Release Centre (TRC) to participate in a work placement. Female detainees will not be disadvantaged from accessing work in the community due to not being eligible for residing in the TRC.

- 9.3 Where a detainee has identified a community work opportunity, they must submit a D26.F6: Work Provider Application including the contact details for the nominated work provider.
- 9.4 D26.F6: Work Provider Applications must be provided to the Employment Specialist for risk assessment.
- 9.5 The Employment Specialist is responsible for:
- a. completing a D26.F10: Workplace Assessment of potential community work providers; and
  - b. providing a recommendation to the Senior Director, Programs and Reintegration.
- 9.6 Work providers must provide a copy of their current appropriate public liability insurance.
- 9.7 The Employment Specialist will provide the completed D26.F10: Workplace Assessment and D26.F6: Work Provider Application to the Senior Director, Programs and Reintegration to approve or refuse the work provider.
- 9.8 The detainee will be notified of the outcome of the decision under section 9.7. Where a work provider has been refused, the detainee will be provided with written reasons for the decision.
- 9.9 The Employment Specialist is responsible for ensuring that the processes in sections 9.6-9.8 are undertaken for all work providers they have identified to provide work placements for detainees.

#### **Work provider agreement**

- 9.10 Where the Senior Director, Programs and Reintegration has approved a work provider, the Employment Specialist must provide the work provider with a D26.F7: Work Provider Agreement for endorsement.
- 9.11 Work placements will not commence without the work provider signing a D26.F7: Work Provider Agreement relevant to the detainee.
- 9.12 While there is no employment agreement between the detainee/ACTCS/ACT Government and the work provider, the work provider must agree to certain terms and conditions, including:
- a. notice periods; and
  - b. grievance and disciplinary rules and procedures.

- 9.13 Once a D26.F7: Work Provider Agreement has been endorsed, the work provider will be registered with the ACT Insurance Agency and a public liability certificate will be issued to the provider.

#### **Work experience placement**

- 9.14 Detainees may participate in unpaid work experience placements with approved community work providers.
- 9.15 Unpaid placements should be time limited and provide job-ready skills that will enhance a detainee's employment prospects in the community.

#### **Paid work placement**

- 9.16 A detainee should be paid at the same rate as others doing the same work for a work provider.
- 9.17 Detainees are required to meet the cost of any meals and travel to and from their work provider where applicable.
- 9.18 The work provider must ensure that the detainee's remuneration is deposited into the detainee's trust fund account listed in the D26.F7: Work Provider Agreement.

## **10 TRANSITIONAL RELEASE CENTRE (TRC)**

- 10.1 The TRC supports detainees to prepare for release by providing minimum security conditions that enhance their transition into the community.
- 10.2 The DCCO will consider male detainees for placement in the TRC who are approved to access activities that requires them to be absent from a correctional centre multiple times each week (D26.F3: Transitional Release Plan).
- 10.3 All detainees will receive the Annex A – Transitional Release Centre Rules on arrival.
- 10.4 The TRC Team Leader is responsible for the monitoring of a detainee's conduct and engagement at the TRC.
- 10.5 Detainees are expected to be engaged in full-time activities to reside in the TRC.

#### **Staffing**

- 10.6 The appointment of custodial officers to the TRC should be based on their ability to develop constructive and positive relationships with detainees.

#### **Management of income for detainees working in the community**



- 10.7 Board monies will be deducted from earning paid to a detainee who is participating in work in the community in accordance with the Detainee Trust Fund Management Policy.
- 10.8 To support a detainee's successful reintegration into the community, 20 per cent of the income received by a detainee working in the community will be set aside and provided to them on their release from custody. Detainees may apply in writing by exception to the General Manager to spend withheld monies prior to release.

#### **Removal from the TRC**

- 10.9 Detainees who:
- a. refuse to engage in induction or work activities;
  - b. have transitional release cancelled under section 14;
  - c. become ineligible under section 5.1;
  - d. display poor behaviour or conduct; or
  - e. breach the Annex A – Transitional Release Centre Rules,
- will be removed from the TRC and returned to secure accommodation.
- 10.10 The Team Leader, Transitional Services, will ensure that the reasons for the removal have been communicated to the detainee and are documented on the detainee's electronic record system.
- 10.11 Where a detainee has been removed from the TRC they will not be able to return to the TRC for a minimum of three (3) months. Where a detainee's D26.F3: Transitional Release Plan remains current and the reasons for the initial removal have been satisfactorily mitigated to ensure safety and security, the detainee may be accommodated in the TRC without undertaking a full application process.

## **11 ACCESSING LEAVE**

- 11.1 Following approval under section 7, a detainee can submit D26.F5: Transitional Release Leave Applications to access the activities in their plan.
- 11.2 D26.F5: Transitional Release Leave Applications will be authorised at the following levels:
- a. for local leave, by the General Manager; and
  - b. for interstate leave, by the Commissioner.

- 11.3 A leave permit will be issued for all approved leave under the Temporary Leave Policy.

#### **Spending money**

- 11.4 Detainees with sufficient funds in their trust account may be approved to transfer up to \$300 to their sponsor's bank account for spending during transitional release.
- 11.5 Where a detainee wishes to access more than \$300 from their trust account for transitional release, they must submit a F1.F1: Detainee Request Form – Finance including the special reasons for the request.
- 11.6 Requests under section 11.5 will be managed under the Detainee Trust Fund Management Policy for special external payment requests.

#### **Prior to leave**

- 11.7 Prior to any leave, the Officer-in-Charge or Team Leader, Transitional Services will ensure that:
- a. the detainee understands their obligations under the leave permit; and
  - b. the sponsor understands their obligations under the D26.F9: Sponsor Agreement, where applicable.

#### **Sponsors**

- 11.8 A detainee must be collected by their sponsor where required under their leave permit.
- 11.9 Prior to the detainee and sponsor leaving the correctional centre, Officer-in-Charge, or Team Leader, Transitional Services for the TRC, must be satisfied that:
- a. the identity of the sponsor is confirmed;
  - b. the sponsor understands their responsibilities under the D26.F9: Sponsor Agreement;
  - c. the sponsor confirms their contact number;
  - d. the sponsor understands the itinerary in the detainee's leave permit;
  - e. the sponsor understands that they must contact the correctional centre immediately if they have any concerns about the detainee's behaviour while on transitional release, or if they are no longer in the company of the detainee;
  - f. the sponsor understands that they must always be contactable while supervising the detainee.

#### **Return to the correctional centre**

- 11.10 All detainees returning to a correctional centre from transitional release:
- a. may have their property searched;
  - b. may be strip-searched in accordance with section 113C(1)(a) of the Corrections Management Act 2007 (ACT); and
  - c. may be subject to testing under the Drug and Alcohol Testing Policy.
- 11.11 A supervision session of the detainee must occur each time they return to a correctional centre from family ties leave (Transitional Release Leave Operating Procedure).

## 12 MONITORING AND REVIEW

- 12.1 A detainee's Sentence Management Officer will meet with a detainee to monitor the detainee's transitional release plan:
- a. for the first six (6) weeks of transitional release, once every two (2) weeks; and
  - b. then in accordance with the relevant minimum standard under the Sentence Management Policy.
- 12.2 The purpose of meetings under section 12.1 is to:
- a. review the leave accessed by a detainee under their D26.F3: Transitional Release Plan;
  - b. discuss any supports required to assist the detainee; and
  - c. monitor progress against the reintegration goals in the detainee's Sentence Management Plan and outcomes derived from the D26.F3: Transitional Release Plan.
- 12.3 The Team Leader, Transitional Services, will participate in reviews under section 12.1 for detainees in the TRC.
- 12.4 Where changes to a detainee's D26.F3: Transitional Release Plan are identified in meetings under section 12.1, an updated plan must be provided to the Senior Director, Programs and Reintegration, for approval.

### Suspension

- 12.5 The Officer-in-Charge or Team Leader, Transitional Services, may immediately suspend a detainee's participation in transitional release where:
- a. a risk has been identified under section 13.1; and
  - b. the General Manager is not available.

- 12.6 A detainee who has been suspended from accessing transitional release will have their participation reviewed under section 13 as soon as practicable.
- 12.7 Suspension from the transitional release program may result in a detainee being returned to secure accommodation in a correctional centre pending a review under section 13.

## 13 CANCELLATION

- 13.1 On receipt of relevant information in relation to a detainee, General Manager or above may cancel a detainee's participation in the transitional release program where necessary, including but not limited to the following reasons:
- a. a detainee failed to return from leave at the specified time without reasonable grounds for the delay;
  - b. any breach of the conditions of a detainee's leave permit;
  - c. any risk to the safety of any person, or to security or good order at the correctional centre;
  - d. the detainee is found to have committed a disciplinary breach (*Discipline Policy*);
  - e. the detainee returns a positive result to a test under the *Drug and Alcohol Testing Policy*;
  - f. the detainee is managed under the *Management of At-Risk Detainees Policy*;
  - g. there is a change in the circumstances of the detainee, or their sponsor where applicable;
  - h. the detainee poses an unacceptable risk of reoffending; or
  - i. for any other reason the General Manager or above considers reasonable.
- 13.2 In cancelling a detainee's participation in transitional release, the General Manager or above will specify a time frame of not less than three (3) months in which the detainee is ineligible to re-apply (*D26.F4: Cancellation Notice*).
- 13.3 The detainee's Sentence Management Officer will ensure written reasons for the cancellation are provided to the detainee and documented on the detainee's electronic record system.
- 13.4 A detainee will be provided with a *D26.F4: Cancellation Notice* within two (2) business days of a decision.

- 13.5 Where a detainee's participation in transitional release has been cancelled, the General Manager or above has the discretion to reinstate participation where satisfied that any risk under section 13.1 has been resolved.

## 14 APPEALS

- 14.1 A detainee may appeal decisions under this policy in accordance with the *Detainee Requests and Complaints Policy*.
- 14.2 An appeal under this policy will be provided to the DCCO or Commissioner as appropriate and a written response will be provided to the detainee.

## 15 RECORDS AND GOVERNANCE

- 15.1 The Senior Director, Programs and Reintegration, will submit a monthly report to the Commissioner and Executive Governance Committee each month, including:
- a. the number of detainees approved for transitional release in the previous month by:
    - i. gender; and
    - ii. Aboriginal and Torres Strait Islander status;
  - b. the number of hours of transitional release by type of leave; and
  - c. the number of transitional release program applications received in the previous month.
- 15.2 The Senior Director, Programs and Reintegration, will conduct an annual review of transitional release to consider improvements to the process and outcomes for detainees. A report on the outcomes of each review will be provided to the Commissioner and Executive Governance Committee.

## 16 RELATED DOCUMENTS

- A – Annex A – Transitional Release Centre Rules
- B – D26.F1: Transitional Release Application
- C – D26.F2: Transitional Release Risk Assessment
- D – D26.F3: Transitional Release Plan
- D – D26.F4: Cancellation Notice
- E – D26.F5: Transitional Release Leave Application
- F – D26.F6: Work Provider Application
- G – D26.F7: Work Provider Agreement

- H – D26.F8: Sponsor Nomination
- I – D26.F9: Sponsor Agreement
- J – D26.F10: Workplace Assessment
- K – Transitional Release Program – Application Operating Procedure
- L – Transitional Release Program – Risk Assessment Operating Procedure
- M – Transitional Release Program – Sponsor Operating Procedure
- N – Transitional Release Program – Leave Operating Procedure
- O – Transitional Release Program – Workplace Assessment Operating Procedure
- P – Transitional Release Program – Work Sponsor Operating Procedure
- Q – Temporary Leave Policy
- R – Incident Reporting, Notifications and Debriefs Policy
- S – Detainee Classification Policy
- T – Drug and Alcohol Testing Policy
- U – Authorised Absences Policy
- V – Sentence Management Policy
- W – Searching Policy



Jon Peach  
 Commissioner  
 ACT Corrective Services  
 18 November 2020

### Document details

Criteria	Details
Document title:	Corrections Management (Transitional Release Program) Policy 2020
Document owner/approver:	Commissioner, ACT Corrective Services
Date effective:	The day after the notification date

Criteria	Details
Review date:	Three years after the notification date
Compliance with law:	This policy reflects the requirements of the <i>Corrections Management (Policy Framework) Policy 2020</i>
Responsible officer:	Senior Director Programs and Reintegration

Version Control			
Version no.	Date	Description	Author
V1	May-19	First Issued	L Kazak