

Corrections Management (Transitional Release Application) Operating Procedure 2023

Notifiable instrument NI2023–85

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 Application) Operating Procedure 2023*.

2 Commencement

This instrument commences on the day after its notification day.

3 Operating Procedure

I make this operating procedure to facilitate the effective and efficient management of corrections services.

4 Revocation

This instrument revokes the following instruments:

- *Corrections Management (Transitional Release Program – Application) Operating Procedure 2020* [NI2020-747]
- *Corrections Management (Transitional Release Program – Leave) Operating Procedure 2020* [NI2020-748]
- *Corrections Management (Transitional Release Program – Risk Assessment) Operating Procedure 2020* [NI2020-749]
- *Corrections Management (Transitional Release Program – Sponsor) Operating Procedure 2020* [NI2020-750]
- *Corrections Management (Transitional Release Program – Work Provider) Operating Procedure 2020* [NI2020-751]
- *Corrections Management (Transitional Release Program – Workplace Assessment) Operating Procedure 2020* [NI2020-752]

Ray Johnson ^{APM}
Commissioner
ACT Corrective Services
15 February 2023



OPERATING PROCEDURE	Transitional Release Application
OPERATING PROCEDURE NO.	D26.1
SCOPE	Transitional Release

STATEMENT OF PURPOSE

To provide instructions to AMC Case Managers (Sentenced) on how to complete the Transitional Release application, risk assessment and case plan for detainees in custody at the Alexander Maconochie Centre (AMC).

PROCEDURES

1. Determining Eligibility

- 1.1. During the development of the Case Management Plan (CMP), the AMC Case Manager (Sentenced) and detainee may identify Transitional Release as a goal towards the detainee's reintegration. During this stage, the AMC Case Manager (Sentenced) must discuss the eligibility criteria and application process for Transitional Release.
- 1.2. At any time during their sentence, a detainee may request an application for Transitional Release through their allocated AMC Case Manager (Sentenced). Where this occurs:
 - a. the AMC Case Manager (Sentenced) must undertake a preliminary eligibility check by completing Section 1 and 2 of the D26.F1: Transitional Release Application.
 - b. the AMC Case Manager (Sentenced) must advise the detainee of the outcome of the preliminary eligibility check within two (2) business days of their request and case note accordingly on CORIS.
- 1.3 Where a detainee is deemed eligible, the AMC Case Manager (Sentenced) must:
 - a. provide the detainee with the D26.F1: Transitional Release Application within two (2) business days of their request and advise them to complete Section 3.
 - b. review the detainee's Case Management Plan (CMP) to ensure it is current in line with the Best Practice Guidelines and that Transitional Release is identified. If not, the AMC Case Manager (Sentenced) must revise the CMP to include Transitional Release. Where an update to the CMP is required, the AMC Case Manager (Sentenced) must complete a case plan review in line with the D26.4 Supervision and Case Plan Review Operating Procedure
- 1.4 Where a detainee is deemed ineligible, the AMC Case Manager (Sentenced) must:
 - a. provide the detainee with the outcome in writing, including the reasons for the ineligible status and case note accordingly on CORIS.
 - b. work with the detainee to identify goals to achieve eligibility for Transitional Release. Where an update to the CMP is required, the AMC Case Manager (Sentenced) must complete a case plan review in line with the D26.4 Supervision and Case Plan Review Operating Procedure

2. Completing the Application

- 2.1. After completing sections 1 and 2 of the D26.F1: Transitional Release Application and determining that the detainee is eligible, the AMC Case Manager (Sentenced) must provide the form to the detainee and request they complete section 3.
- 2.2. The AMC Case Manager (Sentenced) must follow up with the detainee within five (5) working days of providing the form. The AMC Case Manager (Sentenced) must assist the detainee to complete section 3 if they require assistance.

3. Completing the Risk Assessment

- 3.1. Once section 3 of the D26.F1: Transitional Release Application is completed by the detainee and returned to the AMC Case Manager (Sentenced), the AMC Case Manager (Sentenced) must fill out the D26.F2: Transitional Release Risk Assessment generally within ten (10) business days.

SECTION 1 – CRIMINAL HISTORY

- 3.2. The AMC Case Manager (Sentenced) must complete Section 1 of the D26.F2: Transitional Release Risk Assessment and provide the following information:
 - a. an overview of criminal history, including length, jurisdictions, and convictions of significance.
 - b. how long the detainee has been known to ACTCS (either in custody or in community)
 - c. an overview of previous engagement with ACTCS, including compliance with community-based interventions and behaviour during previous custodial episodes.
 - d. details of previous engagement in Transitional Release (if applicable).

SECTION 2 – ABORIGINAL LIASON OFFICE INPUT

- 3.3. If the detainee identifies as Aboriginal or Torres Strait Islander, the AMC Case Manager (Sentenced) must request information from the Aboriginal Liaison Office (ALO) about any cultural considerations and suggested strategies to support the detainee's connection to culture while in Transitional Release. All correspondence must be case noted in CORIS.
- 3.4. This information is to be recorded by the AMC CM (Sentenced) in Section 2 of the D26.F2: Transitional Release Risk Assessment.

SECTION 3 – CRIMINOGENIC RISKS

- 3.5. The AMC Case Manager (Sentenced) must also complete Section 3 of the D26.F2: Transitional Release Risk Assessment and provide the following information:
 - a. a current Level of Service Inventory – Revised (LSI-R) score in line with the ACTCS LSI-R manual
 - b. the LSI-R score from the Pre-Sentence Report process for the current sentencing episode (if available)
 - c. the scores of any other offence specific assessments as determined by consultation with the Corrections Programs Unit
 - d. the criminogenic risks identified from any completed assessments, as well as the intervention to address that risk and the date the intervention was completed
 - e. any other offence specific risk identified as part of the CMP, as well as the intervention to address that risk and the date the intervention was completed

- f. offence specific interventions **must** be completed by the detainee prior to applying for Transitional Release.
- g. any offence related or wellbeing interventions that will continue or commence if the detainee were to be successful in their Transitional Release application.

SECTION 4 – URINALYSIS RESULTS

- 3.6. The detainee must undertake at least one urinalysis test as part of the risk assessment. The AMC Case Manager (Sentenced) must organise this test by sending a request to amcadmissions@act.gov.au and cc in AMCdiscipline@act.gov.au.
- 3.7. Results are to be recorded by the AMC CM (Sentenced) in section 4 of the *D26.F2: Transitional Release Risk Assessment*.
- 3.8. When completing Section 4 of the *D26.F2: Transitional Release Risk Assessment*, the AMC Case Manager (Sentenced) must also include up to three of the detainee's most recent previous urinalysis results (if available).

SECTION 5 – SPECIFIC RISKS

- 3.9. The AMC Case Manager (Sentenced) must complete Section 5 of the *D26.F2: Transitional Release Risk Assessment*. The required information to inform decision-making can be obtained from:
 - a. alerts on CORIS
 - b. case notes on CORIS
 - c. disciplines/incidents on CORIS
 - d. criminal history
 - e. Statement of Facts
 - f. a google search of media articles using the detainee's name
- 3.10. The AMC Case Manager (Sentenced) must provide a comment for any risk factor in Section 5 marked 'Yes'. This comment should clearly indicate why the AMC Case Manager (Sentenced) selected this risk factor and may include information such as dates, incident details and links to newspaper articles

SECTION 6 – INTELLIGENCE RISK ASSESSMENT

- 3.11. The AMC Case Manager must request a report of any adverse intelligence relating to a detainee for the past six (6) months from the ACTCS Intelligence Unit via email at ACTCS-Intelligence@act.gov.au. The email should request that a response be sent back within seven (7) business days. All correspondence must be case noted on CORIS.
- 3.12. This information is to be recorded by the AMC CM (Sentenced) in Section 6 of the *D26.F2: Transitional Release Risk Assessment*.

SECTION 7 – VICTIM LIAISON INPUT

- 3.13. The AMC Case Manager (Sentenced) must email the Victim Liaison Officer (VLO) at Victims.Register@act.gov.au requesting information relating to any registered victim(s) of a detainee applying for Transitional Release. This request for information from the VLO must be case noted on CORIS.

- 3.14. Where there is no registered victim, or a registered victim chooses not to make a submission in relation to the detainee's Transitional Release application, the VLO must advise the AMC Case Manager (Sentenced) of this by return email. This must be recorded in section 7 of the D26.F2: Transitional Release Risk Assessment.
- 3.15. Where a registered victim chooses to submit a victim's submission it must be provided within seven (7) business days to the Director Reintegration, who must forward onto the other Transitional Release Assessment Panel (TRAP) members to allow for their consideration.
- 3.16. The Director Reintegration must case note if a submission is received, but not the content, which must be stored securely by the Director Reintegration.

SECTION 8 – COURT ORDERS

- 3.17. The AMC Case Manager (Sentenced) must request information about any current Domestic Violence Orders (DVO), Apprehended Violence Orders (AVO) or Personal Protection Orders (PPO) relating to the detainee from the Court Protection Unit via email at Protection@courts.act.gov.au. All correspondence must be case noted on CORIS.
- 3.18. This information is to be recorded by the AMC CM (Sentenced) in Section 8 of the D26.F2: Transitional Release Risk Assessment.

SECTION 9 – ACT HEALTH INPUT

- 3.19. The AMC Case Manager (Sentenced) must request information from ACT Health in relation to the detainee's use of opiate replacement therapy, as well as ongoing health and mental health issues which may impact on their participation in Transitional Release via email at JusticeHealth@act.gov.au. All correspondence must be case noted on CORIS.
- 3.20. This information is to be recorded by the AMC CM (Sentenced) in Section 9 of the D26.F2: Transitional Release Risk Assessment.

SECTION 10 – CHILD YOUTH PROTECTION SERVICES

- 3.21. If applicable, and where a detainee's Transitional Release goals include spending time with children, the AMC Case Manager (Sentenced) must request information from ACT Child and Youth Protection Services (CYPS) to confirm whether CYPS are involved with the children, whether the detainee is able to have contact with the children and any suggested supports via email at OCYFSCChildProtectionInformation@act.gov.au. If the subject child resides in a different jurisdiction, contact is to be made with that jurisdiction's child protection agency. All correspondence must be case noted.
- 3.22. This information is to be recorded by the AMC CM (Sentenced) in Section 10 of the D26.F2: Transitional Release Risk Assessment.

SECTION 11 – HOUSING ACT INPUT

- 3.23. If applicable and where a detainee's Transitional Release goals include accessing a Housing ACT property, the AMC Case Manager (Sentenced) must request information from Housing ACT to confirm the detainee is able to return to the property during Transitional Release leave and any suggested supports via email at housingspecialistpractitioner@act.gov.au. All correspondence must be case noted on CORIS.
- 3.24. This information is to be recorded by the AMC CM (Sentenced) in Section 11 of the D26.F2: Transitional Release Risk Assessment.

SECTION 12 – RISK MITIGATION

- 3.25. The AMC Case Manager must record all the risks identified during the information gathering phase of the risk assessment processes and list these in Section 12.
- 3.26. The AMC Case Manager (Sentenced) must then determine any potential risk mitigation strategies to address each identified risk and record these in Section 12. When determining whether a risk can be effectively mitigated, the AMC Case Manager (Sentenced) must also take into consideration the principles of Transitional Release and whether the detainee would still be able to engage in further meaningful activity towards successful release above that offered within the AMC.

SECTION 13 – AMC CASE MANAGER RECOMMENDATION

- 3.27. After completing the risk assessment, the AMC Case Manager must complete Section 13 and record whether they support the detainee's application to participate in Transitional Release. The AMC Case Manager must also detail the reasons behind their decision.
- 3.28. At no time does the AMC Case Manager determine placement in Transitional Release.

4. Completing the Case Plan

- 4.1. At the same time as completing the D26.F2: Transitional Release Risk Assessment, the AMC Case Manager (Sentenced) must also complete the Transitional Release Goals section of the D26.F3. Transitional Release Case Plan.
- 4.2. The D26.F3. Transitional Release Case Plan must also be completed generally within 10 business days of receipt of the completed D26.F1 Transitional Release Application.
- 4.3. The AMC Case Manager (Sentenced) must develop individualised Transitional Release goals, in consultation with the detainee.
- 4.4. The AMC Case Manager (Sentenced) must ensure, that in line with the Risk Need Responsivity Principles, the goals included in the plan is proportionate to the detainee's level of risk.
- 4.5. In consultation with the detainee, the AMC Case Manager (Sentenced) must also outline the potential tasks the detainee will engage in to meet their identified goals.
- 4.6. The AMC Case Manager must also identify any potential leave and sponsors which may help a detainee meet their identified goals. At no time is the AMC Case Manager responsible for assessing whether potential leaves and sponsors are suitable. This assessment will occur once a detainee has commenced Transitional Release and in line with the D26.5 Transitional Release Staged Approach to Reintegration Operating Procedure, D26.12 Transitional Release Leave (ex Community-Based employment Operating Procedure) and D29.9 Transitional Release Sponsors (Family and Kinship) Operating Procedure.

5. Approval Process

- 5.1. The AMC Case Manager (Sentenced) must create the Transitional Release Package of Documents which includes:
 - a. completed D26.F1: Transitional Release Program Application
 - b. completed D26.F2: Transitional Release Risk Assessment
 - c. relevant section of the D26.F3: Transitional Release Plan
 - d. criminal history
 - e. statement of facts
 - f. Pre-Sentence Report (if completed)

- g. sentencing comments
 - h. LSI-R
 - i. other risk assessments (if required)
 - j. current CMP
 - k. current PPO/DVO, AVO (if applicable)
 - l. detainee certificates
 - m. any other relevant documents
- 5.2. The AMC Case Manager (Sentenced) must provide the Transitional Services Package of Documents to the AMC Case Management Unit Team Leader generally within 10 business days.
- 5.3. The AMC Case Management Unit Team Leader must:
- a. review the Transitional Release Package of Documents within three (3) business days.
 - b. provide any relevant feedback to the AMC Case Manager (Sentenced) regarding the application for quality assurance, prior to progressing to the panel.
 - c. organise the TRAP within two (2) business days of completing section 14 of the D26.F2: Transitional Release Risk Assessment in line with the D26.F2 TRP Application Panel Operating Procedure.
 - d. case note the panel's decision on CORIS indicating the TRAP's support or not support of the detainee's application to participate in Transitional Release.
- 5.4. At no time does the TRAP determine placement in Transitional Release.
- 5.5. The application package and panel's input must be provided to the Assistant Commissioner Custodial Operations by the AMC Case Management Unit Team Leader within one (1) business day of the panel sitting.
- 5.6. The Assistant Commissioner Custodial Operations must review and make a decision within five (5) business days.
- 5.7. Where the application is denied by the Assistant Commissioner Custodial Operations, the AMC Case Manager (Sentenced) must advise the detainee in writing and provide reasons. This must also be case noted on CORIS.
- 5.8. Where the application is approved by the Assistant Commissioner Custodial Operations, the AMC Case Manager (Sentenced) must advise the detainee in writing of the outcome, and case note this on CORIS.

6. Timeframe Overview

- 6.1. The following timeframes apply once a detainee requests an application for Transitional Release:

Activity	Proposed timeframe
Detainee requests eligibility check	CM has 2 business days to: <ul style="list-style-type: none"> • complete detainee details and eligibility assessment in <u>D26.F1: Transitional Release Application</u> • Provide outcome to detainee either by email or in person.

	<ul style="list-style-type: none"> • If eligible, provide D26:F1 application to detainee to complete relevant section
Detainee completes D26:F1	<p>CM to follow up after 5 working days if detainee has not provided completed <u><i>D26.F1: Transitional Release Application</i></u></p> <p>Detainees who have literacy issues or request support will be supported by CM during this 5 day period.</p>
CM completes D26 F2 risk assessment and relevant section of D26 F3	10 business days
AMC CMTL to complete Quality Assurance of F1, F2 and F3	3 business days
AMC CM TL organises panel	2 business days
Panel sit to support/reject application	5 business days
AMC CM TL to provide to ACCO for decision	1 business days
ACCO provides final decision AMC CM TL	5 business days
CM to provide outcome to all relevant parties, including detainee	2 business days
TOTAL TIME TAKEN	35 days (7 weeks)

RELATED DOCUMENTS

- Transitional Release Policy
- D26.F1: Transitional Release Program Application
- D26.F2: Transitional Release Risk Assessment
- D26.F3: Transitional Release Plan
- Transitional Release Application Panel Operating Procedure
- Transitional Release Stages Operating Procedure
- Transitional Release Leave Operating Procedure
- Transitional Release Sponsor Operating Procedure.
- Supervision and Case Plan Review Operating Procedure



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25 January 2023

Document details

Criteria	Details
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Date effective:	The day after the notification date
Review date:	3 years after the notification date
Responsible Officer:	Senior Director Detainee Reintegration
Compliance:	This operating procedure reflects the requirements of the <i>Corrections Management (Policy Framework) Policy 2022</i>

Version Control			
Version no.	Date	Description	Author
V1	June-20	First Issued	S Fitzmaurice
V2	August-22	First Revision	L Spulak
V3	November-22	Continual Revision	J Papadopoulos