

Australian Capital Territory

Corrections Management (Transitional Release Assessment Panel) Operating Procedure 2023

Notifiable instrument NI2023–86

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 Assessment Panel) 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.

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



OPERATING PROCEDURE	Transitional Release Assessment Panel
OPERATING PROCEDURE NO.	D26.2
SCOPE	Transitional Release

STATEMENT OF PURPOSE

To provide instructions to the Transitional Release Assessment Panel (TRAP) on the process for reviewing detainee applications for participation in Transitional Release.

PROCEDURES

1. Application for Transitional Release

- 1.1. The AMC Case Manager (Sentenced) must complete the Transitional Release Package of Documents in line with the *D26.1 Transitional Release Application Operating Procedure*.
- 1.2. The AMC Case Management Unit Team Leader must review, and support or not support the application, in line with the *D26.1 Transitional Release Application Operating Procedure*.

2. Transitional Release Assessment Panel (TRAP)

- 2.1. The TRAP includes the following members:
 - a. Senior Director Accommodation (or delegate)
 - b. Senior Director Operations (or delegate)
 - c. Director Reintegration (or delegate)
 - d. Team Leader Transitional Services (or delegate)
- 2.2. Aboriginal and Torres Strait Islander Detainees may request that an Aboriginal Liaison Officer (ALO) also sit on the TRAP.
- 2.3. The TRAP must evaluate the Transitional Release Package of Documents, and any other relevant information, to consider whether the detainee's application to participate in Transitional Release is supported or not supported.
- 2.4. The TRAP must meet as a collective (either online or face-to-face), as required. The AMC Case Management Unit Team Leader must schedule these meetings. The AMC Case Management Unit Team Leader and allocated AMC Case Manager (Sentenced) must also attend the meeting to answer any questions raised by the TRAP. The AMC Case Manager (Sentenced) is responsible for recording the minutes.
- 2.5. When reviewing a detainee's Transitional Release application, the TRAP must consider the following:
 - a. the positive impacts/benefits of participation in Transitional Release to the detainee's rehabilitative and reintegrative goals
 - b. community safety and confidence in the administration of justice

- c. any issues raised in the risk assessment and the proposed mitigation strategies
 - d. the likelihood of the detainee failing to comply with the conditions of leave, including further offending
 - e. any history of escape or attempted escape from custody
 - f. any victim submissions, including any potential impact on the safety of the victim
 - g. whether the detainee has previously had their participation in Transitional Release cancelled.
- 2.6. Upon consideration of the Transitional Release Package of Documents, the TRAP must make a collective recommendation, with a supporting rationale, to the Assistant Commissioner Custodial Operations.
- 2.7. The TRAP may include any additional relevant conditions or limitations to the detainee's application which mitigate any identified risks, for consideration by the Assistant Commissioner Custodial Operations.

3. Transitional Release Approval

- 3.1. The AMC Case Management Unit Team Leader must notify the Assistant Commissioner Custodial Operations of any TRAP by email within one (1) business day of the TRAP occurring and provide the Transitional Release Package of Documents.
- 3.2. The Assistant Commissioner Custodial Operations has five (5) business days to review the Transitional Release Package of Documents and either approve or decline the detainee's application.
- 3.3. The Assistant Commissioner Custodial Operations must consider the following before approving or denying a detainee's application for Transitional Release:
- a. the positive impacts/benefits of participation in Transitional Release to the detainee's rehabilitative and reintegrative goals
 - b. community safety and confidence in the administration of justice
 - c. any issues raised in the risk assessment and the proposed mitigation strategies
 - d. the likelihood of the detainee failing to comply with the conditions of leave, including further offending
 - e. any history of escape or attempted escape from custody
 - f. any victim submissions, including any potential impact on the safety of the victim
 - g. whether the detainee has previously had their participation in Transitional Release cancelled.
- 3.4. The Assistant Commissioner, Custodial Operations must provide their decision and rationale on the D26.F2: Transitional Release Risk Assessment.
- 3.5. The Assistant Commissioner Custodial Operations must also provide their decision in relation to whether the specific goals detailed in the Transitional Release Case Plan are approved on the D26.F3: Transitional Release Case Plan.
- 3.6. The Assistant Commissioner Custodial Operations must return the Transitional Release Package of Documents to the AMC Case Management Unit Team Leader.

4. Notification of the Application's Outcome

- 4.1. The AMC Case Management Unit Team Leader must notify the TRAP members and the allocated AMC Case Manager (Sentenced) of the Assistant Commissioner's decision within one (1) business day of receiving the outcome.
- 4.2. 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. This must also be case noted on CORIS. This must occur within two (2) business days of receiving the outcome.
- 4.3. Where the application is denied by the Assistant Commissioner Custodial Operations, the AMC Case Manager (Sentenced) must advise the detainee in writing, with the reason for the decision. This must also be case noted on CORIS. This must occur within two (2) business days of receiving the outcome.

5. Approval and Record Keeping

- 5.1. The AMC Case Manager (Sentenced) must ensure all documentation relevant to the TRAP process, is uploaded onto CORIS.
- 5.2. The AMC Case Management Unit Team Leader must maintain a register of all Transitional Release applications considered by the TRAP, including the decision, and supporting rationale.

6. Appeal of Transitional Release Application decision

- 6.1. A detainee may appeal a *Transitional Release application decision* in accordance with the *Detainee Requests and Complaints Policy*.
- 6.2. The appeal must be provided to the Commissioner as appropriate, and a written response provided to the detainee.

RELATED DOCUMENTS

- Transitional Release Policy
- Transitional Release Application Operating Procedure
- D26.F1: Transitional Release Application
- D26.F2: Transitional Release Risk Assessment
- D26.F3: Transitional Release Case Plan
- Detainee Requests and Complaints Policy

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ACT Corrective Services
January 2023

Document details

Criteria	Details
Document title:	<i>Transitional Release Assessment Panel Operating Procedure 2023</i>
Document owner/approver:	Assistant Commissioner Detainee Reintegration, ACT Corrective Services
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	August-22	First Issued	L Spulak
V2	November-22	Continual Revision	J Papadopoulo