

Australian Capital Territory

# Corrections Management (Transitional Release Breach of Rules or Conditions) Operating Procedure 2023

Notifiable instrument NI2023–87

made under the

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

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## **1 Name of instrument**

This instrument is the *Corrections Management (Transitional Release Breach of Rules or Conditions) 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 <sup>APM</sup>  
Commissioner  
ACT Corrective Services  
15 February 2023



<b>OPERATING PROCEDURE</b>	<b>Transitional Release Breach of Rules or Conditions</b>
<b>OPERATING PROCEDURE NO.</b>	<b>D26.16</b>
<b>SCOPE</b>	<b>Transitional Release</b>

## STATEMENT OF PURPOSE

To provide instructions to all staff working in Transitional Release about what is to occur when a detainee does not comply with the rules and/or conditions of the program.

## PROCEDURES

### 1. Response to a breach

- 1.1. Breach action against a detainee may need to be taken for a number of reasons, including but not limited to:
  - a. non-compliance with Transitional Release Rules (refer to TRC Rules)
  - b. non-compliance with Leave Conditions (refer to D26.F5: Conditions of Leave)
  - c. non-compliance with Work Release Conditions (refer to Work Release Conditions and Acknowledgement by Detainee Form) **note: form number TBD**
  - d. failing to follow a direction (i.e. failure to provide a urinalysis sample on request)
  - e. change in detainee classification or Incentives and Earned Privileges (IEP) level, resulting in a detainee becoming ineligible for participation in Transitional Release.
- 1.2. Potential outcomes for a detainee where breach action has been proven, includes:
  - a. return to an earlier stage of Transitional Release which may limit access to certain types of leave (i.e. overnight family leave)
  - b. suspension from Transitional Release, including from the Transitional Release Centre (TRC) for a set time as determined by the Assistant Commissioner Custodial Operations.
  - c. exit from Transitional Release, including from the TRC with the detainee unable to reapply for six months in accordance with the D26.1 Transitional Release Application Process Operating Procedure.
- 1.3. Where behaviour that may result in breach action occurs while a detainee is on leave or at work (both AMC and external based work), the detainee must be returned to the TRC (or AMC if a Transitional Release Program (TRP) participant) immediately.
- 1.4. After organising for the detainee to be returned to the TRC (or AMC if a Transitional Release Program (TRP) participant), the staff member must notify the Transitional Release Team Leader (TL), who must take appropriate action regarding next steps. This may include securing a detainee in their accommodation area until a decision has been made regarding breach action. Should the Transitional Release TL be unavailable, the staff member must notify a Senior Director within the AMC.

- 1.5. The staff member must case note the alleged breach and complete an incident report on CORIS (in accordance with the Case Note Policy and the Incidents and Notification Policy).
- 1.6. The Transitional Release TL, TRC Operational Support Officer and TRC Custodial Officer are all delegated to suspend TRC privileges, such as leave permits, until such a time that the Assistant Commissioner Custodial Operations can review the circumstances regarding the alleged breach. Depending on the severity of the breach, the detainee may continue to reside at the TRC under certain restrictions.
- 1.7. The Transitional Release TL must collate all relevant documentation regarding the breach incident, such as case notes and emails from the employer (if breach occurred during community-based employment) and complete the D26.F4: Cancellation Notice. The Transitional Release TL must ensure the detainee is given the opportunity (and support if needed) to complete their section of the D26.F4: Cancellation Notice. Once all sections of the form are completed, the Transitional Release TL must provide it to the Assistant Commissioner Custodial Operations by email with their recommendation about the detainee's ongoing participation in Transitional Release. The Assistant Commissioner, Offender Reintegration and Director, Reintegration must be included in this email.
- 1.8. As per their delegation, the Assistant Commissioner Custodial Operations must make a decision within 72 hours of being advised of the breach, on whether the detainee will be returned to an earlier stage, suspended or exited from Transitional Release.
- 1.9. The Transitional Release TL must give the detainee written advice of their return to an earlier stage, suspension or cancellation from the program within 48 hours of receiving the Assistant Commissioner Custodial Operations' decision. This advice must also include information about what interventions or tasks the detainee must complete to be reinstated into Transitional Release (if suspended or exited from the program) and the timeframe before they can reapply (if exited).
- 1.10. The detainee's reasons for return to an earlier stage, suspension or cancellation must be documented in case notes on CORIS, and as determined by the Transitional Release TL or Transitional Release Custodial Officer, as a discipline in accordance with the Detainee Discipline Policy using the D11.F3: Investigating Officers Report. Any information about the interventions or tasks the detainee must complete to be reinstated into Transitional Release must also be included in this case note. The allocated
- 1.11. Case Manager must also be advised in writing.
- 1.12. Written advice to the detainee must also include their right to appeal the decision in accordance with the Detainee Complaints Policy.

## RELATED DOCUMENTS

- Transitional Release Policy
- Transitional Release Staged Approach to Reintegration Operating Procedure 2022
- D26 F4 Cancellation Notice
- TRC Rules
- Transitional Release Application Process Operating Procedure.

- Case Note Policy
- Incidents and Notification Policy
- Detainee Discipline Policy
- Detainee Complaints Policy



Narelle Pamplin  
 Assistant Commissioner Offender Reintegration  
 ACT Corrective Services  
 25 January 2023

#### Document details

Criteria	Details
Document title:	<i>Transitional Release Breach of Rules or Conditions Operating Procedure 2023</i>
Document owner/approver:	Assistant Commissioner Offender Reintegration, ACT Corrective Services
Date effective:	The day after the notification date
Review date:	3 years after the notification date
Responsible Officer:	Senior Director Offender 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	November-22	First Issued	L Spulak