

Australian Capital Territory

# Corrections Management (Transitional Release Leave (ex Community-based Employment)) Operating Procedure 2023

Notifiable instrument NI2023–92

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 Leave (ex Community-based Employment)) 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

\*Name amended under Legislation Act, s 60



<b>OPERATING PROCEDURE</b>	<b>Transitional Release Leave (ex Community-based Employment)</b>
<b>OPERATING PROCEDURE NO.</b>	<b>D26.12</b>
<b>SCOPE</b>	<b>Transitional Release</b>

## STATEMENT OF PURPOSE

To provide instructions to Transitional Release staff regarding the processing of detainee Transitional Release Leave Applications. Note: for information regarding Leave relating to Community-based Employment, please see *D26.11 Transitional Release Leaves (Community-based Employment) Operating Procedure.*

## PROCEDURES

### 1. Access to Leave

1.1. Detainees approved for Transitional Release may access leave for the following reasons:

- a. community reintegration
  - i. accessing government and community services
  - ii. participating in rehabilitation programs in the community
  - iii. familiarisation activities in the community
  - iv. access to religious worship and events in the community where it is identified as supporting the detainee's reintegration
- b. family and kinship connections
  - i. allowing detainees to spend time with family and kinship members, or those with whom the detainee will be residing with upon their return to the community
  - ii. detainees must have an approved sponsor in accordance with the *D26.9 Transitional Release Sponsors (Family and Kinship) Operating Procedure* to access this type of leave (alternatively, detainees may receive visits at the TRC in line with *D26.14 Transitional Release Centre Visits Operating Procedure.*
- c. education and vocational study
  - i. participating in education and vocational study in the community
  - ii. tertiary or vocational education providers must approve a detainee's attendance prior to participation to access this leave
- d. employment
  - i. refer to the *D26.11 Transitional Release Leaves (Community-based Employment) Operating Procedure*
- e. medical/health
  - i. accessing medical/health appointments in the community

- ii. accessing dental appointments in the community
- 1.2. Detainees may access leave in relation to their stage within Transitional Release (as per the *D26.5 Transitional Release Staged Approach to Reintegration Operating Procedure*):
  - a. **Stage 1**
    - i. no family and kinship leave
    - ii. external leaves for identified interventions only (ACTCS staff escort only)
  - b. **Stage 2**
    - i. family and kinship leave as approved in the Transitional Release Plan but no overnight or weekend leaves
    - ii. external leaves for identified interventions and rehabilitation needs only (i.e. banking, housing, religious)
    - iii. no external leaves for personal needs (i.e. shopping for clothes, haircuts)
  - c. **Stage 3**
    - i. family and kinship leave as approved in the Transitional Release Plan, including overnight and/or weekend leaves
    - ii. external leaves for identified interventions, rehabilitation needs and personal needs
- 1.3. The amount of leave in each month required to meet the detainee's goals is determined by the *D26.F3: Transitional Release Case Plan*.
- 1.4. Where a detainee's *D26.F3: Transitional Release Case Plan* includes interstate leave, the Assistant Commissioner Custodial Operations must provide a recommendation to the Commissioner regarding the application.
- 1.5. The Commissioner must consider the relevant risk factors and identified mitigation strategies before approving or refusing the leave.

## **2. Leave application process**

- 2.1. Following the approval of their *D26.F3: Transitional Release Case Plan*, a detainee may complete a *D26.F5: Transitional Release Leave Application & Permit* to identify their reason for leave.
- 2.2. All Applications must be submitted to the Transitional Release Centre Operations Support Officer (TRCOSO) by the detainee a minimum of seven (7) business days prior to the date of the proposed leave.
- 2.3. The TRCOSO must ensure the *D26.F5: Transitional Release Leave Application & Permit* relates to the goals for reintegration identified in the detainee's *D26.F3: Transitional Release Case Plan*.
- 2.4. For detainees who have not accessed a related leave previously (or where Transitional Release staff have concerns), the TRCOSO must then request information regarding the suitability of the leave occurring from the following parties:
  - a. ACTCS Intelligence Unit
  - b. Victim Liaison Office (VLO)

- c. the detainee’s allocated Case Manager
  - d. ACT Child and Youth Protection Service (ACT CYPS) (or equivalent interstate child protection authority) where a detainee intends spending leave in the company of any child under the care of ACT CYPS (or equivalent interstate child protection authority).
- 2.5. The sharing of information between Transitional Release and the ACTCS Intelligence Unit has been built into the *D26.5 Transitional Release Staged Approach to Reintegration Operating Procedure* to ensure information is readily shared, including regular communication between the Transitional Release Team Leader and ACTCS Intelligence Unit Team Leader.
- 2.6. The TRCOSO must provide the following information to the Transitional Release Team Leader (TL), who must make a recommendation based on the information gathered and return back to the TRCOSO to provide the same information to the delegate for a decision:
  - a. D26.F5: Transitional Release Leave Application & Permit
  - b. D26.F3: Transitional Release Case Plan
- 2.7. The *D26.F5: Transitional Release Leave Application & Permit* must be approved at the following levels:
  - a. for leave within the ACT – Assistant Commissioner Custodial Operations
  - b. for interstate leave – Commissioner, ACT Corrective Services
- 2.8. The approved *D26.F5: Transitional Release Leave Application & Permit* must be uploaded to CORIS by the TRCOSO.
- 2.9. Detainees participating in Transitional Release may be approved for leave with sponsors, subject to a risk assessment and approval.
- 2.10. Detainees must not be approved to spend time with a former detainee, unless special circumstances can be demonstrated in writing and approval granted from the Assistant Commissioner Custodial Operations prior to application for leave.

### **3. Prior to Leave**

- 3.1. All *D26.F5: Transitional Release Leave Application & Permit* must be uploaded to CORIS, distributed by email to relevant parties and a copy given to the detainee prior to their approved leave commencing. Relevant parties include all Transitional Release staff and AMC Operations Managers, with the email being cc’d to the Assistant Commissioner, Custodial Operations, Senior Director Operations, Director Reintegration and ACTCS Intel Unit.
- 3.2. Transitional Release staff must ensure the detainee understands their obligations under the leave permit prior to leave

### **4. Escorted Leave**

- 4.1. Refer to the *D26.6 Transitional Release Escorts Operating Procedure*.

### **5. Leave with a sponsor**

- 5.1. A detainee must be collected from the correctional centre by their sponsor where required under their leave permit.

- 5.2. Prior to the detainee and sponsor leaving the correctional centre, Transitional Release staff must be satisfied that the:
  - a. identity of the sponsor is confirmed
  - b. sponsor understands their responsibilities under the D26.F9: Sponsor Agreement

## **6. Un-sponsored and unescorted leave**

- 6.1. In some circumstances the Assistant Commissioner Custodial Operations may approve leave without a sponsor or staff escort. An example of these circumstances includes when a detainee has requested transitional leave to attend education or vocational study.
- 6.2. The Assistant Commissioner Custodial Operations must specify the frequency and method of compliance checks to be completed by Transitional Release staff, when approving un-sponsored or unescorted leave.
- 6.3. The Transitional Release TL must ensure the compliance checks specified by the Assistant Commissioner Custodial Operations are conducted.
- 6.4. All compliance checks are to be recorded on CORIS.

## **7. Spending money**

- 7.1. Detainees with sufficient funds in their trust accounts may request to transfer funds into an external bank account for spending during leave using the F1.F2: External Payment Request form and outlining the reasons for the request. The only restriction on the amount a detainee can transfer is having sufficient funds in the detainee's AMC trust account.
- 7.2. The F1.F2: External Payment Request form is emailed to JACS AMC Finance, who forward the request onto a Custodial Officer Grade 4 (CO4) for approval for spending during the detainee's Transitional Release Leave.
- 7.3. Requests under section 7.2 must be managed in accordance with the Detainee Trust Fund Management Policy for special external payment requests.

## **8. On the Detainee's return from leave**

- 8.1. Detainees and their property may be searched upon return from leave in accordance with the Transitional Release Policy and the Searching Policy.
- 8.2. Only items approved during the leave application process by the Assistant Commissioner Custodial Operations or the Senior Director Operations can be bought back from leave by the detainee. Any additional items which have not been approved are to be placed in the detainee's property in line with the Detainee Property Policy 2022
- 8.3. Detainee's may be subject to alcohol testing upon their return from leave under the Drug and Alcohol Testing Policy.
- 8.4. Detainee's may be subject to drug testing under the Drug and Alcohol Testing Policy. Transitional Release staff must request drug testing occur if the detainee displays any behaviour which indicates the detainee may have used drugs while on leave. Random drug testing may also occur on a detainee's return from leave at least once a month.

## RELATED DOCUMENTS

- Transitional Release Policy
- Transitional Release Case Planning Operating Procedure 2022
- Transitional Release Case Management Plan Template
- Transitional Release Staged Approach to Reintegration Operating Procedure 2022
- Drug and Alcohol Testing Policy
- Searching Policy
- Detainee Property Policy 2022
- Detainee Trust Fund Management Policy

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January 2023

### Document details

Criteria	Details
Document title:	<i>Transitional Release Leave (Excluding Community-based Employment) 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	September-22	First Issued	L Spulak