



COMMUNITY INSTRUCTION	Information Sharing with Australian Federal Police
COMMUNITY INSTRUCTION NO.	
SCOPE	Community Corrections

PURPOSE

To provide instructions to Community Corrections staff in respect of how and when to request information from the Australian Federal Police (AFP), and when to provide information or respond to information requests received from the AFP.

PROCEDURES

1. REQUESTING INFORMATION FROM THE AFP

- 1.1 Requests for AFP information can be made in the following ways:
 - a. verbally
 - b. via email
 - c. in writing.
- 1.2 Community Corrections staff must only request information from the AFP when:
 - a. exercising a function of legislation
 - b. administrating a Court order.
- 1.3 Requests must not be made solely to ascertain what information is held by the AFP unless this can be linked to a specific issue or purpose. Examples of appropriate requests include:
 - a. obtaining targeted information for the purposes of a sentencing report
 - b. confirming the offender's compliance with a condition of their order.
- 1.4 Requests for information can be made to ACT-Intel-Corrections@afp.gov.au, copying in ACTCS-Intelligence@act.gov.au; or to specific officers or teams within the AFP, including but not limited to:
 - a. Family Violence Unit (FVU)
 - b. Child Sex Offender Registry Team (CSORT)
 - c. OMCG Taskforce
 - d. AFP Operations.
- 1.5 When requesting information from the AFP, Community Corrections staff must be explicit about the following:
 - a. the nature of the information being sought
 - b. what the requested information will be used for.
- 1.6 When completing a Pre-Sentence Report (PSR) or Assessment, the *Crimes (Sentencing) Act 2005* gives assessors broad powers to request information from any entity (or person), including the AFP. The legal basis to request information for the purposes of sentencing reports are as follows:

- a. for a Pre-Sentence Report, s43
 - b. for an Intensive Correction Assessment, s46E
 - c. for a Drug and Alcohol Treatment Assessment, s46L.
- 1.7 There is no obligation for the AFP to release information requested for the purposes of supervising a Court order or activity other than a PSR or Assessment report. Information may be shared between criminal justice entities, including the AFP and Community Corrections, under s136 of the Crimes (Sentencing) Act 2005.
- 1.8 All requests for information must be recorded as per the Case Note Policy, ensuring that the purpose of the information requested is recorded.

2. RESPONDING TO INFORMATION REQUESTS FROM THE AFP

- 2.1 Requests for AFP information can be made in the following ways:
- a. verbally
 - b. via email
 - c. in writing.
- 2.2 When responding to a request from the AFP, a staff member must ask the AFP officer to confirm the following:
- a. the nature of the information being sought
 - b. what the requested information will be used for.
- 2.3 Unless a legal basis is provided which compels the release of information, there is no obligation for Community Corrections staff to do so. Information may be shared between criminal justice entities, including the AFP and Community Corrections, under s136 of the Crimes (Sentencing) Act 2005.
- 2.4 A staff member must consult with a Team Leader if they are unclear about the lawful basis to release information, or whether disclosure is necessary.
- 2.5 If the requested information has been provided to Community Corrections by another agency, the AFP should be advised to make the request directly, rather than through Community Corrections.
- 2.6 If significant parts of a Community Corrections record are requested, or if it is indicated that the information will be used in a court proceeding, the staff member must consult with a Team Leader, who may refer the request to ACTCSExecutiveSupport@act.gov.au.
- 2.7 For any requests made under subpoena, or where there is information relating to a person who is not a current client of ACTCS, the matter must be referred to ACTCSExecutiveSupport@act.gov.au.
- 2.8 All responses to information requests from the AFP must be recorded as per the Case Note Policy, ensuring that the purpose of the information exchange is stated.

3 PROVIDING INFORMATION TO AFP WITHOUT REQUEST

- 3.1 A Community Corrections staff member may provide information to AFP without request.
- 3.2 This information can be made in the following ways:

- a. verbally
 - b. via email
 - c. in writing.
- 3.3 Information can be sent to ACT-Intel-Corrections@afp.gov.au, copying in ACTCS-Intelligence@act.gov.au.
- 3.4 Examples of information that can be provided without request are, but not limited to:
- a. threats to self or others
 - b. potential abuse or neglect of a child or young person (note: CYPs contact must be made)
 - c. information in respect to family or domestic violence
 - d. information in respect to significant alleged criminal activity
 - e. significant risk to the community.
- 3.5 A staff member may seek clarification with their Team Leader regarding the information that can be sent without request.
- 3.6 All information provided to AFP must be recorded as per the *Case Note Policy*, ensuring that the reasons why the information was provided are detailed.
- 3.7 For matters that may require immediate response, ACTCS staff should contact 000.

RELATED DOCUMENTS AND FORMS

- [Crimes \(Sentencing\) Act 2005](#)
- [Corrections Management Act 2007](#)
- [Information Privacy Act 2014](#)
- Memorandum of Understanding between the AFP and JACS Directorate



Assistant Commissioner
 ACT Corrective Services
 April 2021

Document details

Criteria	Details
Document title:	Information Sharing with Australian Federal Police Community Instruction 2021
Document owner/approver:	Commissioner, ACT Corrective Services
Date effective:	The day after the approval date
Review date:	3 years after the approval date
Responsible Officer:	Director, Community Operations

Criteria	Details
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Compliance: This operating procedure reflects the requirements of the *Corrections Management (Policy Framework) Policy 2020*

Version Control			
Version no.	Date	Description	Author
V1	April 21	First Issued	M Steen