

COMMUNITY INSTRUCTION	VICTIM INFORMATION FOR INTERSTATE TRANSFER OF COMMUNITY SENTENCES
COMMUNITY INSTRUCTION NO.	C34.3
SCOPE	Community Operations

PURPOSE

To provide instructions to Community Operations staff around seeking victim input to assist in the assessment and decision-making processes for applications for the interstate transfer of community-based sentences.

As per the *Crimes (Sentence Administration) Act 2005* and the *Victims of Crime Act 1994*, ACT Corrective Services is committed to providing timely information to victims of crime about sentence transfers and seeking their input prior to finalising applications for transfer of community-based sentences.

SCOPE

This Community Instruction should be applied to applications made for an Interstate Transfer of a Community Based Sentence.

PROCEDURES

1. Applications for transfer to the ACT

- 1.1 On allocation of an Interstate Transfer application, the Community Corrections Officer (CCO) must contact the Community Operations Victim Liaison Officer (VLO) via email to advise of the transfer application.
- 1.2 Where ACTCS does not hold victim contact information, the VLO will commence enquiries with relevant agencies, which may include Victim Support ACT (VSACT) and ACT Policing at Victims-liaison-office@afp.gov.au, to undertake all reasonable steps to obtain this information. The VLO must include the following in their email requests to VSACT and ACT Policing:
 - The purpose of the request
 - The offender's name and date of birth
 - The charge number(s) of the current offence(s)
- 1.3 If the VLO is unable to determine any contact details (email, telephone number or home address) for any victim, they must advise the CCO of this in writing.
- 1.4 If the VLO is able to determine any contact details (email, telephone number or home address) for any victim, they will contact the victim(s) directly to inform them of the offender's application for transfer and invite them to provide a submission. Where possible, this contact will be via telephone in the first instance and followed up with written communication in the form of the *Victim Input Letter – Interstate Transfers* (Attachment A – also available on the offender information management system)

- 1.5 In these communications, the VLO must convey the following information and detail to the victim(s):
 - a. information that may be included in the victim(s) submission (see 1.6 for further detail)
 - b. the privacy of the information provided
 - c. the timeframe in which the victim(s) can provide information (within two (2) weeks of receiving the letter)
 - d. any services that provide support or assistance, including legal and financial assistance, that are available to the victim.
- 1.6 The submission may include information about any concerns held by the victim(s), such as
 - a. any contact with the offender since the offence
 - b. any concerns regarding the transfer of the offender
 - c. any concerns held by the victim(s) for their personal safety, the safety of a family member or the community
 - d. any concerns held by the victim(s) about the offender residing in an area close to their place of residence, work or educational facility
 - e. any additional conditions the victim(s) may suggest for inclusion in the offender's Order
- 1.7 If the victim is below the age of 18 years, the VLO should liaise with VSACT's Victims Register team to determine the most appropriate contact person
- 1.8 The VLO must use the information provided by the victim(s), or their representative, to complete the *Victim Submission Information Form*, which will be provided to the CCO to assist them to make their recommendation to the local authority.
- 1.9 If the victim submission is made in writing, the VLO keep a copy of victim(s) submissions in a password protected electronic folder stored in the Community Operations G drive. This folder will only be accessible by the VLO and Senior Managers. All records in relation to this Community Instruction must be maintained in accordance with the *Territory Records Act 2002*.
- 1.10 The VLO must case note all interactions with the victim(s) on the offender information management system, as per the *Case Note Policy*, using the category "Victim Submission", however, to avoid documenting specific details of about the victim, the VLO should use one of the following options:
 - a. the victim of the offence(s) (or their guardian) were contacted by this Service in relation to the offender's transfer application. They noted they had continued concerns regarding their safety or that of their family should the transfer be approved.
 - b. the victim of the offence(s) (or their guardian) were contacted by this Service in relation to the offender's transfer application. They noted they did not have concerns regarding their safety or that of their family should the transfer be approved.
 - c. no victim submission was provided for the purpose of this transfer application.
- 1.11 The CCO will retain responsibility for seeking information from other agencies that may assist in the decision making process. Information should be sought from agencies including, but not limited to:
 - ACT Courts Protection Unit (protection@courts.act.gov.au) to ascertain if there are any current protection orders where the offender is named as a respondent. If there is a current protection order the CCO must obtain a copy, upload it to the offender information management system and inform the VLO

- ACT Policing (ACT-Intel-Corrections@afp.gov.au) to ascertain any concerns held by the police about the proposed transfer
- Child and Youth Protective Services (CYPS) to ascertain any concerns held about the proposed transfer and its potential impact on children/young people known to that service.

1.12 Information received from all collateral checks must be clearly documented in the offender management system by the CCO.

2. Applications for transfer from the ACT

- 2.1 If an offender requests to transfer their community-based sentence to another jurisdiction, once the CCO has determined that there is a corresponding order in the receiving jurisdiction they will commence the paperwork related to the application. For more detail about this process please refer to the *Interstate Transfer of Community-based Orders from the ACT CI*.
- 2.2 The CCO must advise the VLO of the offender's application to transfer to another jurisdiction via email.
- 2.3 The VLO will follow the process detailed at 1.2 if ACTCS does not hold victim information for victims of the current offence(s).
- 2.4 If the VLO is unable to determine any contact details (email, telephone number or home address) for any victim, or if there is no identifiable victim, they must advise the CCO of this in writing.
- 2.5 If the VLO is able to determine the contact details for the victim(s) they will contact the victim(s) directly to inform them of the offender's application to transfer from the ACT, as per the actions detailed at 1.4 through to 1.10
- 2.6 The VLO will provide the *Victim Submission Information Form* to the CCO to allow them to complete the "Victims Consideration" field within the "Risk Assessment and Case Management" section of Annexure C3: Application Form.

3. Consideration and storage of victim's input

- 3.1 Any information received from, or pertaining to, the victim(s) must be treated with sensitivity and must be documented and stored as confidential information.
- 3.2 The content of victim(s) submissions will not be provided to the sending jurisdiction or the offender.
- 3.3 As the assessing officer, the CCO will consider the information provided by the VLO to form their recommendation regarding the application.
- 3.4 In reaching a recommendation, the CCO must consider the following matters:
- a. the potential for further harm, either physical or psychological, to be caused to the victim(s) or their family
 - b. the degree to which the real or perceived risks may be mitigated through the supervision process
 - c. the reasonableness of any requests made by the victim(s) in regard to the proposed transfer
- 3.5 The CCO's Team Leader will review the CCO's assessment and determine the final recommendation. The Team Leader will also approve or decline any proposed written reasonable directions for case management, which may mitigate victim concerns.
- 3.6 As the Local Authority, the Assistant Commissioner, Service Improvement & Community Operations (ACSICO) will consider the recommendations of the CCO and Team Leader, and the *Victim Submission Information Form*. Should the ACSICO require more detailed information

from the VLO to make their determination, the VLO can provide the ACSICO with access to the full victim submission.

- 3.7 If the ACSICO determines the transfer should not proceed due to victim-related concerns, the sending jurisdiction will receive written notice of the decision and de-identified, non-specific reasoning for this decision.
- 3.8 If the ACSICO determines that the transfer will proceed with written reasonable directions as per 3.5, the sending jurisdiction will be advised that inclusion of the written reasonable directions will be a pre-condition of the transfer.
- 3.9 Once the sending jurisdiction and offender have been informed of the application outcome, the VLO will contact the victim(s), or victim representative, to provide information and advice accordingly. This contact will be via telephone in the first instance, and will be followed up with written communication as per the letter found at Attachment B.
- 3.10 The VLO will ensure the victim(s) is aware they can contact the ACSICO if they have any concerns or feedback regarding either the outcome of the transfer or the victim submission process and provide the ACSICO's contact details.
- 3.11 Except for submissions received from the victim(s) which are electronically stored in a restricted access location, all case notes, documents and information related to the victim(s) will be de-identified and stored in the offender management system.

RELATED DOCUMENTS AND FORMS

- Crimes (Sentence Administration) Act 2005
- Victims of Crime Act 1994
- National Operating Procedures – Interstate Transfer of Community Based Sentences
- Case Note Policy
- Victim Input Letter – Interstate Transfers
- Territory Records Act 2002
- *Victim Submission Information Form*

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A/g Assistant Commissioner, Service Improvement and Community Operations

ACT Corrective Services

21 February 2023

Document details

Criteria	Details
Document title:	<i>Victim Information for interstate transfer of community sentences 2023</i>
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Date effective:	The day after the approval date
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Responsible Officer:	Senior Director, Community Operations
Compliance:	This operating procedure reflects the requirements of the <i>Corrections Management (Policy Framework) Policy 2020</i>

Version Control			
Version no.	Date	Description	Author
V0.1	June 22	Initial draft	V Akyol-Quinn
V0.2	Sept 2022	Revised draft	V Akyol-Quinn
V0.3	TBC	Draft for consultation	V Akyol-Quinn
V1	TBC	First issued	V Akyol-Quinn
V0.4		Post-consultation revision	V Akyol-Quinn
V1.1	February 2023	Revised edition	M Butler

Dear ,

As you have been identified as a victim in relation to the offender as shown below, you have the right to provide input into ACT Corrective Services assessments related to an application he/she has submitted to transfer an interstate community sentence. Choose an item. the ACT.

Offender Name:

Offences:

Transfer from: Choose an item.

Transfer to: Choose an item.

You are invited to make a submission to express any concerns you may have about your or your family's safety and the need to be protected from violence or harassment should the offender's transfer application be granted approval.

Any submission or concern provided by you will be considered by ACT Corrective Services and will be treated as confidential information, not to be shared with the offender without your consent.

Some information you could include in your submission may include:

- Any contact you may have had with the offender since the offence that has caused you concern
- Any concern you may have regarding the offender's transfer application
- Any concern you may have for your safety or the safety of your family
- Any concerns you may have about the offender residing in an area close to your place of residence, work or educational facility
- Any additional conditions you would like ACT Corrective Services to consider including in the offender's current Order should the transfer application be granted

Please note that the making of a submission is entirely voluntary.

If a submission or any further contact is not received from you within one fortnight from the date you receive this letter, ACT Corrective Services will understand that to mean you do not wish to provide your input. If you require more time to make a submission please let us know.

If you require assistance preparing your submission, or you have any questions regarding this information, please contact the Community Corrections Victim Liaison Officer on 6207 0888.

I would also like to take this opportunity to provide you with information about Victim Support ACT, which provides support, counselling and advocacy services to victims of crime. You may wish to contact Victim Support ACT to discuss available services or support. More information can be found by calling 1800 8222 72 or at www.victimsupport.act.gov.au

Officer Name

Victim Liaison Officer

Community Corrections

ACT Corrective Services

Date:



Victim Name
Street Name & Number
Suburb / State / Postcode

Dear **Victim Name**,

I am writing to inform you of the outcome in relation to **Offender Name** application to transfer his/her sending state/territory type of order to receiving state/territory.

A decision has been made in relation to the application for transfer and the outcome was to **grant/deny** the offender's request.

If you would like to clarify or discuss any of this information, or if you have any concerns or feedback, please contact the Assistant Commissioner, Service Improvement & Community Corrections on 6207 0888.

Kind Regards,

Officer Name
Victim Liaison Officer
Community Corrections
ACT Corrective Services
Click or tap to enter a date.

Attachment B