



COMMUNITY INSTRUCTION	Bail Supervision
COMMUNITY INSTRUCTION NO.	C2.1
SCOPE	Community Operations

STATEMENT OF PURPOSE

To provide instructions to Community Operations staff in respect of how to manage a person subject to bail with a supervision condition.

PROCEDURES

1. Allocation

- 1.1. The ACTCS Sentence Administration Section (SAS) will receive a new supervised bail undertaking from the Court and register it in the offender information management system.
- 1.2. SAS will allocate the bail undertaking to a Team Leader within Community Operations within one (1) business day.
- 1.3. A Team Leader will allocate the bail undertaking to a Bail Officer, except where a supervised sentenced order or sentencing report is active, in which case it will be allocated to the Community Corrections Officer (CCO) who is managing the sentenced order or report.

2. Intake and induction

- 2.1. Where possible, induction should be undertaken face to face within five (5) business days of the bail undertaking being made and no later than ten (10) business days, unless a specific reporting date is nominated on the undertaking.
- 2.2. Intake appointments should follow the guidance provided in the *Intake Community Instruction*.
- 2.3. If the Intake appointment was undertaken at the ACT Court Complex with a Court Duty Officer, the allocated supervising officer must review the information gathered at intake prior to the first scheduled appointment.
- 2.4. The allocated supervising officer must commence working with the accused to complete a Bail Support Plan to address any immediate, basic social and welfare needs that may hinder their compliance with any bail conditions (see section 5: Bail Support).
- 2.5. The allocated supervising officer must schedule a further appointment for the accused as required, in accordance with the considerations in section 3 (Method and frequency of contact).

3. Method and frequency of contact

- 3.1. In determining the method and frequency of bail supervision appointments, the allocated supervising officer should consider a range of factors, including but not limited to, previous

- demonstrated compliance with bail undertakings (and/or other orders), the nature of the alleged offences, any specific bail conditions and any other factors that may affect the accused's intention to appear at their next court date. Examples of where face to face contact is required include, but are not limited to:
- a. undertake drug and or alcohol testing
 - b. ensure a person remains present in the ACT
 - c. where there is a condition for the person to present in person
 - d. where the Bail Officer has assessed face to face contact as being necessary to support compliance with the undertaking.
- 3.2. Where bail is being supervised by a CCO who is also managing the accused's supervised community-based order, the nature and frequency of supervision will be informed by assessments and supervision contact levels relating to the sentenced order, noting any additional conditions of the bail, the nature of the new alleged offences, and any other circumstances that may impact on the existing frequency of supervision appointments.
- 3.3. Where bail is being supervised by a CCO to facilitate the preparation of a Court-ordered assessment report, and there is no pre-existing supervised community-based order and Case Plan, the CCO should complete the Bail Support Plan and the *Bail Status Response Recommendation/Review* forms in addition to the assessment report. These will be used to inform the frequency and method of bail supervision appointments subsequent to the completion of the report (where they are required by the bail undertaking), or in the event that the bail is continued beyond the original sentencing date set down by the Court.
- 3.4. The allocated supervising officer must make a recommendation to the Team Leader for the method of contact within twenty (20) working days using the *Bail Status Recommendation/Review* form. The staff member will consider *Table 1. Bail Status Response (below)*, and any other information available from:
- a. the Bail Order
 - b. the Courts
 - c. Offender Information Management System (CORIS)
 - d. the accused person
 - e. the Bail Support Plan.
- 3.5. The Team Leader will consider all the collated information and must indicate the approved method and frequency of bail supervision. Where bail supervision is to be completed via telephone contacts, the Team Leader will change the status of the undertaking to "Bail 2" on the offender information management system.
- 3.6. The allocated supervising officer may direct the accused to report in person at any time. Examples of where this may occur include, but are not limited to, where:
- a. the accused is charged with a further offence
 - b. information is obtained that may impact the method and frequency of contact
 - c. a review of the Bail Support Plan may be required.

- 3.7. ACTCS Officers may seek guidance and advice from external agencies in relation to the appropriate response and approach to working with a victim survivor.

Table 1. Bail Status Response

FACTORS	BAIL STATUS ONE
Bail conditions	Bail condition requires in person supervision
Nature of current offence	Serious alleged violence (including sexual, family violence, stalking, ABH or harm against animals)
<i>Other considerations for recommending Bail Status 1 when two (2) or more of the following are present</i>	
The nature of current offence	<ul style="list-style-type: none"> - Alleged use of a weapon - Alcohol and other drug related - Increased media attention around offence
The nature of offences in the last five (5) years	Predominantly violent offences
Victim considerations	Access to or other concerns related to victim safety
Previous (LSI-R) in the last 12 months	High or Medium High
Prior compliance history	Persistent failures to appear and previous serious non-compliance with past bail orders and/or community-based orders
CONSIDERATIONS	BAIL STATUS TWO
Bail conditions	Bail conditions do not require in person supervision
Nature of current offence	Less serious offences
Other considerations	<p>The accused does not meet two (2) or more of the Bail Status 1 consideration criteria.</p> <p>Other factors that may impact on the accused's capacity to attend in person supervision (e.g., physical barriers, elderly, residence etc)</p>

4. Monitoring compliance with bail

- 4.1. Reasonable directions should be provided in writing where possible, and, if given verbally, must be case noted in accordance with the Case Note Policy. Reasonable directions in relation to bail undertakings should be given to directly support the accused's compliance with the bail

undertaking. Consequences of non-compliance with such directions must be explained to the accused person.

- 4.2. Certain bail conditions will be addressed by ACT Policing, as ACTCS staff have limited ability to monitor and ensure compliance. Examples of these include, but are not limited to:
 - a. stipulation of any curfew
 - b. residence at a specifically stated address
 - c. non-association/contact with a person
 - d. not to be within a specified distance of a person or place
 - e. must provide a sample for breath analysis if directed by Police.
- 4.3. ACTCS staff may share information with ACT Policing to assist in the monitoring of bail conditions. Examples of information that can be provided include, but are not limited to:
 - a. an address where the accused has been directed to reside
 - b. any reasonable directions issued to the accused
 - c. information relating to the accused's compliance
 - d. information outlined in the Information Sharing with AFP Community Instruction
 - e. any other information approved by the Team Leader.
- 4.4. When the allocated supervising officer gives a direction to an accused person regarding their place of residence, the officer must case note it as per the Case Note Policy.

5. Bail Support

- 5.1. The allocated supervising officer must develop a Bail Support Plan (BSP) for an accused person on supervised bail for a period of four weeks or greater. However, this does not apply if the accused person is already subject to a supervised community-based order, and a current and approved Case Plan exists.
- 5.2. The allocated supervising officer will work with the accused person to develop an individualised BSP that identifies their immediate basic welfare and social needs and set goals that may assist successful completion of their bail period.
- 5.3. If the accused person declines to participate in the development of their BSP, the allocated supervising officer must record this in a case note on the offender information management system, as per the Case Note Policy. At subsequent supervision appointments, the allocated officer must continue to try to engage the accused person in discussions around their immediate, basic welfare and social needs and goals, and maintain up to date CORIS records of this.
- 5.4. The accused person must be given the opportunity to provide input and review the BSP. The BSP must be developed within two weeks of allocation.
- 5.5. If the accused person is subject to bail conditions that mandate attendance at a specific program or service, the mandatory requirements must be clearly articulated on the BSP. The allocated supervising officer must assist the accused to make contact with the listed service and must ensure that the accused person understands that attendance at these mandatory

requirements is not voluntary. The allocated supervising officer must undertake collateral checks with the relevant agency to monitor compliance with the condition.

- 5.6. With the consent of the accused person, the allocated supervising officer will facilitate access or contact with any non-criminogenic programs and support services identified in the BSP.
- 5.7. The BSP must be uploaded to the Offender Information Management System.
- 5.8. Criminogenic risk assessments will not be undertaken for people on bail unless there is a finding of guilt.
- 5.9. An accused person's failure to comply with mandatory requirements noted in the BSP will be dealt with as a demonstration of non-compliance.

6. Managing Non-compliance

- 6.1. ACTCS will report non-compliance with bail conditions via an *Alleged Breach of Bail Report*, which is submitted to ACT Policing for their consideration and action.
- 6.2. Instances that indicate non-compliance include, but are not limited to:
 - a. the accused fails to report to ACTCS (either at the Court Complex or at 2CA) and no contact details are available to ACTCS
 - b. the accused refuses to provide a sample for drug or alcohol testing, despite having a specific condition to this effect
 - c. when a positive alcohol or drug test is received, and the accused has conditions stipulating they are not to use alcohol or drugs
 - d. the accused fails to comply with a specific condition e.g., remain in a rehabilitation program.
- 6.3. Consultation with the Cultural Engagement Officer may assist in addressing alleged non-compliance for Aboriginal and Torres Strait Islander peoples prior to submitting an *Alleged Breach of Bail Report*.
- 6.4. Where the accused person can provide substantiated evidence of their inability to attend an appointment, the supervising officer may apply discretion in determining non-compliance. Examples of evidence to substantiate inability to attend may include, but is not limited to:
 - a. provision of a medical certificate.
 - b. verified attendance at a third party appointment or employment.
- 6.5. All *Alleged Breach of Bail* reports must be submitted to a Team Leader for approval.
- 6.6. Once non-compliance has been determined, the Bail Officer/CCO is required to submit the approved *Alleged Breach of Bail Report* at the earliest opportunity following that determination, not exceeding three (3) business days, to the following email addresses:
 - a. ACT-RegionalWatchHouse@afp.gov.au
 - b. ACTPBailConditions@afp.gov.au
 - c. DPPCorrectiveServices@act.gov.au
 - d. DPP_Partics@act.gov.au
 - e. MCCriminal@courts.act.gov.au or SCAssociates@act.gov.au

- 6.7. Where the act of non-compliance has potential to cause imminent harm or risk to a community member, the victim/s or the accused person, an *Alleged Breach of Bail Report* must be approved by a Team Leader and submitted to relevant parties (as per 6.6) within one (1) business day of that determination.

7. Bail Progress Reports

- 7.1. A Bail Progress Report (BPR) will only be completed where the Court has ordered one, and where the undertaking includes a supervision condition. Requests for BPRs are registered by SAS, and where possible, will be allocated directly to the supervising Bail Officer/CCO for completion.
- 7.2. A Bail Progress Report should not include any comment on the alleged offence/s and should only be based on compliance with conditions, or any other matter(s) specified by the requesting Court.
- 7.3. If a Bail Progress Report is ordered within a specific bail period, but the accused has been subject to multiple continuances on the same charge, the Bail Officer/CCO may include comment regarding the compliance during previous bail periods within the same report.
- 7.4. Bail Progress Reports must be completed on the [1.3.1 Bail Progress Report - 7 Nov 16](#) template and must be approved and signed by a Team Leader.
- 7.5. The author of the Bail Progress Report is responsible for sending the report, two (2) business days before the court date to:
- a. the requesting Court (MCChamberAssociates@act.gov.au or SCAssociates@act.gov.au)
 - b. ACTCSCommunityOperations@act.gov.au

RELATED DOCUMENTS

- Bail Supervision and Support Policy
- Information Sharing with AFP Community Instruction
- Territory Records Act 2002
- Case Note Policy
- Bail Act 1992
- [Crimes \(Sentencing\) Act 2005](#)
- 1.3.1 Bail Progress Report - 7 Nov 16
- 1.3.2 Alleged Breach of Bail Report - 7 Nov 16
- 2.2.4 Direction to Attend Bail Supervision
- 8.13 Drug Screening - Rules of Providing a Sample - 2 Mar17
- File Action Request v22 December 2015
- 2.1.40 Bail Supervision Obligations
- Bail Support Plan
- Bail Status Recommendation and Review form



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ACT Corrective Services

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