



<b>COMMUNITY INSTRUCTION</b>	<b>Managing Non-compliance: Parole</b>
<b>COMMUNITY INSTRUCTION NO.</b>	<b>C14.4</b>
<b>SCOPE</b>	<b>Community Corrections</b>

## PURPOSE

To provide instructions to Community Corrections Officers (CCOs) on informing the Sentence Administration Board (SAB) of a parolee's alleged non-compliance with the obligations of their Parole Order.

For instructions regarding non-compliance with Commonwealth offences, please consult *Managing non-compliance: Commonwealth offences Community Instruction*.

## PROCEDURES

### 1 Details of alleged non-compliance

- 1.1 All instances of alleged non-compliance must be recorded in the offender information management system. This may include, but is not limited to instances where the parolee has:
  - a. failed to attend supervision as directed, and has failed to notify of their inability to attend or provided an invalid excuse for their non-attendance
  - b. returned a positive urinalysis result, and this result cannot be attributed to prescribed medication that has been recorded on the offender information management system
  - c. made a disclosure about alcohol and/or drug use which is not in accordance with their Parole conditions and the CCO has subsequently decided not to direct the offender to undertake alcohol and/or drug testing on the strength of that disclosure
  - d. failed to comply with a reasonable direction (e.g. a referral has been made to an offence specific program and the offender has failed to participate as directed)
  - e. failed to comply with any other condition of their parole order or ACTCS obligations.
- 1.2 Individual instances of alleged non-compliance should be discussed with the parolee as they occur. If the parolee provides documentary evidence to excuse their absence, this must be referred to in a case note and uploaded onto the offender information management system.
- 1.3 The CCO must advise the parolee as soon as practicable where it has been determined that the SAB will be informed of the alleged non-compliance.
- 1.4 Wherever possible, the CCO must inform the parolee of the contents of the Parole Breach Report, including the recommendation being made to the SAB by Community Corrections. A copy of the report will also be provided to the offender via the SAB Secretariat.
- 1.5 Prior to informing the SAB of the non-compliance, the CCO must determine if any or all the charges include federal offences sentenced under Commonwealth legislation. The CCO can check this by:

- a. identifying if the offence description is prefixed by 'CTH'
  - b. confirming the Act the offence was sentenced under on Integrated Courts Management System (ICMS)
  - c. confirming that the order which has a Commonwealth offence/s attached was in effect during the instance of non-compliance
  - d. seeking guidance from their respective Team Leader (TL).
- 1.6 The SAB do not have jurisdiction to preside over sentences relating to Commonwealth charges. If a parolee demonstrates non-compliance in relation to a Parole Order that refers wholly, or partly, to Commonwealth charges, this should be clearly identified in the Breach Parole Report. For further guidance, refer to the *Managing non-compliance: Commonwealth offences Community Instruction*.

## **2 Informing the SAB of the alleged non-compliance**

- 2.1 All correspondence with the SAB must be conducted via the SAB Secretariat. Email correspondence can be sent through to [sab\\_secretariat@act.gov.au](mailto:sab_secretariat@act.gov.au).
- 2.2 In order to inform the SAB of the alleged non-compliance, the CCO must:
- a. provide specific details about the alleged non-compliance (including the specific condition(s) to which the non-compliance relates) using the *1.2.2 Breach Parole Report* template
  - b. provide the Parole Breach Report to the Parole Team Leader for approval
  - c. email the signed and approved Parole Breach Report to the SAB Secretariat
  - d. upload all completed documents to the offender information management system.
- 2.3 On receipt of the Parole Breach Report, the SAB Secretariat will schedule a hearing date for the alleged breach and will generate the necessary paperwork to advise the parolee and the CCO of the required attendance details.
- 2.4 All correspondence with the SAB Secretariat must be carried out as soon as practicable after the alleged non-compliance.

## **3 Appearing before the SAB**

- 3.1 CCOs are required to appear before the SAB in relation to their submitted Parole Breach Reports.
- 3.2 CCOs will receive a weekly email from the SAB Secretariat outlining the upcoming SAB agenda. This email will include the:
- a. offender name
  - b. time and date of appearance
  - c. details of the hearing (breach, reinstatement, management, etc)
  - d. required CCO.
- 3.3 The purpose of this appearance is to provide the SAB members with:
- a. any updated information since the report was submitted
  - b. an opportunity for SAB members to ask the CCO any questions in relation to the reported non-compliance and greater case management goals/compliance
  - c. an opportunity to discuss the alleged non-compliance with the offender.
- 3.4 It is the responsibility of the SAB to determine if the information provided to them constitutes a breach of a condition/s and determine an appropriate outcome.

#### 4 Informing the SAB of new charges

- 4.1 The CCO must, via the SAB Secretariat, inform the SAB of any new charges brought against a parolee.
- 4.2 The CCO must complete the 2.2.13 Notification of Further Charges template, noting the new charge number(s), the new charge description(s) and the next in-court date for these matters. The CCO must also indicate if the parolee has been remanded in custody or made subject to any bail undertakings.
- 4.3 The CCO must monitor the progress of these new charges, as a finding, or plea of guilt may necessitate the completion of a Breach Parole Report.

#### RELATED DOCUMENTS AND FORMS

- Managing non-compliance: Commonwealth offences Community Instruction
- 1.2.2 Breach Parole Report
- 2.2.13 Notification of Further Charges

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#### Document details

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