



<b>COMMUNITY INSTRUCTION</b>	<b>Managing Non-compliance: Drug and Alcohol Treatment Order</b>
<b>COMMUNITY INSTRUCTION NO.</b>	<b>C14.3</b>
<b>SCOPE</b>	<b>Community Corrections</b>

## PURPOSE

To provide instructions to Community Corrections Officers (CCOs) on informing the ACT Supreme Court (the Court) and other members of the Treatment Order Team of an offender's alleged non-compliance with the conditions of the Drug and Alcohol Treatment Order (DATO) component of their sentence.

For offenders who have completed the DATO component of their treatment order refer to *Managing non-compliance: Good Behaviour Order.*

## TREATMENT ORDER TEAM

This team consists of representatives from:

- a. the Court
- b. the Director-General
- c. the Health Director-General
- d. the Director of Public Prosecutions
- e. the Legal Aid Commission
- f. the Chief Police Officer
- g. an entity the Court considers necessary to include in the team for a particular treatment order
- h. an entity prescribed by regulation.

## 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 offender has:
  - a. failed to attend supervision as directed, and has failed to notify of their inability to attend or provide a reasonable excuse for their non-attendance
  - b. failed to comply with a reasonable direction (e.g. a referral has been made to an offence specific or rehabilitation program and the offender has failed to participate as directed)
  - c. failed to comply with any core or treatment order condition.
- 1.2 All individual instances of alleged non-compliance should be discussed with the offender. If the offender provides documentary evidence to excuse their absence or non-compliance, this

must be referred to in a case note and uploaded onto the offender information management system.

- 1.3 Dependent on the seriousness of the non-compliance (e.g. re-offending, absconding from residential rehabilitation, drug use instances) or the required urgency of action, the CCO must either initiate breach action as per Section 2 or notify the Drug and Alcohol Sentencing List (DASL) of a less urgent instance of non-compliance (i.e. failed to report at one supervision appointment) at the next scheduled DASL conference. If clarification is needed, the CCO must consult their Team Leader (TL).
- 1.4 The CCO must advise the offender as soon as practicable where it has been determined that the Court will be informed of the alleged non-compliance.

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

- 2.1 To inform the Court of the alleged non-compliance, the CCO must provide an email to the Court and the Treatment Order Team. This email must include the:
  - a. offender name and date of birth
  - b. charge numbers and charge descriptions associated to the DATO
  - c. specific condition(s) to which the non-compliance relates
  - d. specific details about the alleged non-compliance, including directions given, and failures to comply.
- 2.2 All breach emails drafted by the CCO must undergo vetting and approval from a TL prior to being provided to the Court and the Treatment Order Team.
- 2.3 Breach reports must be sent via email to:
  - a. [SCAssociates@courts.act.gov.au](mailto:SCAssociates@courts.act.gov.au)
  - b. [Associate.DASL@courts.act.gov.au](mailto:Associate.DASL@courts.act.gov.au)
  - c. [DASL.Coordinator@courts.act.gov.au](mailto:DASL.Coordinator@courts.act.gov.au)
  - d. [PPUAllocations@act.gov.au](mailto:PPUAllocations@act.gov.au)
  - e. [chs.dasl@act.gov.au](mailto:chs.dasl@act.gov.au)
- 2.4 The contents of the breach email must be copied into a case note using the 'DATO Breach' category.

## **3 Appearing before the Court**

- 3.1 CCOs are required to appear before the Court in relation to submitted DATO breaches.
- 3.2 CCOs will receive a weekly DASL Schedule from the Court advising them of the upcoming matters. This schedule will include the:
  - a. offender name
  - b. time and date of appearance
  - c. details of the matter (e.g. review, sentence, breach).

In some circumstances, the Court will email the CCO outside of the DASL Schedule with a requirement to attend an urgent sitting.

- 3.3 The purpose of this appearance is to provide the Treatment Order Team with:
  - a. any updated information since the breach was submitted
  - b. an opportunity to ask the CCO any questions in relation to the reported non-compliance and greater treatment plan goals/compliance

- c. an opportunity to discuss the alleged non-compliance with the offender.
- 3.4 It is the responsibility of the Court to determine if the information provided to them constitutes a breach of a condition(s) and determine an appropriate outcome.

#### RELATED DOCUMENTS AND FORMS

- Managing non-compliance: Good Behaviour Order

Bruno Aloisi  
A/g Assistant Commissioner  
ACT Corrective Services  
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#### Document details

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Responsible Officer:	Director, Community Operations
Compliance:	This operating procedure reflects the requirements of the <i>Corrections Management (Policy Framework) Policy 2020</i>

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