



<b>COMMUNITY INSTRUCTION</b>	<b>Intensive Correction Order Assessment Report</b>
<b>COMMUNITY INSTRUCTION NO.</b>	<b>C24.2</b>
<b>SCOPE</b>	<b>Community Operations</b>

## PURPOSE

To provide instruction to Community Operations staff in relation to the preparation and completion of an Intensive Correction Order Assessment Report (ICOAR).

## PROCEDURES

### 1. Registration and allocation

- 1.1. Requests for ICOARs are made by the courts and emailed to the ACTCS Sentence Administration Section (SAS). The courts should also provide the Criminal History (CH), Statement of Facts (SOF) and any other information relevant to the sentencing matter.
- 1.2. The SAS will enter the ICOAR task in the offender information management system and allocate the task to a Team Leader (TL) in line with the *CI - Business rules for registration and allocating a Court or SAB Report*.
- 1.3. A TL will allocate a ICOAR to a Community Corrections Officer (CCO) at the 'Preparing' stage.
- 1.4. If there is no existing and current Pre-Sentence Report (PSR) for the matters being addressed in the ICOAR, the CCO must contact the ACTCS Victim Liaison Officer (VLO) within five (5) days of the allocation, to advise them of the report request. The email must include:
  - a. the offenders name
  - b. the offender's date of birth (DOB)
  - c. the offender's PID
  - d. the date the report is due to the TL for vetting.
- 1.5. On receiving the allocation, if there is no existing and current PSR for the matters being addressed in the ICOAR, the CCO must also request information from Canberra Health Services in relation to past or present involvement with the offender. This can be done by emailing [ROIMHJHADS@act.gov.au](mailto:ROIMHJHADS@act.gov.au) and outlining the following:
  - a. Offender details (name/DOB)
  - b. Purpose of requested information
  - c. Specific information requested dependant on the individual and pertinent to sentencing options and/or ongoing case management
  - d. reference to the legislative basis for the request, namely section 43 of the *Crimes (Sentencing) Act 2005*.

## 2. Gathering information

- 2.1. It is the responsibility of the allocated CCO to review the offender information management system to determine if a further appointment is recorded. If no appointment has been scheduled, the CCO must generate the 2.2.2 Direction to Attend Report Interview form and send it via post to the offender's nominated residence or contact the offender via telephone and direct them to report.
- 2.2. If the offender is in custody, the CCO must email [AVLAMCBookings@act.gov.au](mailto:AVLAMCBookings@act.gov.au) to arrange an Audio Visual Link (AVL) appointment or [amcexecsupport@act.gov.au](mailto:amcexecsupport@act.gov.au) to arrange a face to face visit at the Alexander Maconochie Centre.
- 2.3. Prior to the first interview with the offender, the CCO should prepare by familiarising themselves with the CH, SOF, Service records and any other relevant information available.
- 2.4. If the CCO is meeting the offender for the first time, they must attempt to verify their identification. Identification can be verified by sighting available identification documents and/or by asking the offender to state their name, date of birth (DOB) and address.
- 2.5. When undertaking the ICOAR interviews with the offender, the CCO should explain the purpose of the assessment and complete the Offender Intake Data Form (either hard copy or electronic) and the 2.1.4 Consent to Obtain and Release Personal Information Form. The CCO must also explain, in terms that are easily understood by the offender, the purpose of this consent, and provide examples of how and why the CCO may need to make contact with the parties nominated on the consent form. If the interview is being conducted via AVL, the CCO must either:
  - a. record the offender's verbal consent to obtain and release information in a case note on the offender information management system; or
  - b. have pre-arranged (with either the offender's AMC Case Manager (CM) or the area manager of their accommodation area) for the offender to be provided with this document for their signature. If the CCO is intending to obtain the offender's signature on the consent form, steps must be taken to facilitate this at the earliest possible occasion prior to the AVL interview taking place. This pre-planning allows for AMC staff to advise if they are able to assist, or for the CCO to make alternative arrangements in the event that assistance cannot be provided.
- 2.6. If the documents in 2.5 were completed during a recent Pre-Sentence Report and the information contained remains valid and relevant, the CCO may decide not to reapply their use and case note all assessment information.
- 2.7. The CCO must seek contact details from the offender for any contacts required to verify information provided by the offender, including but not limited to employers, support persons and family members.
- 2.8. The offender must be provided with sufficient information to make a balanced judgement before consenting to the making of an ICO. During an interview with the offender, the CCO will provide the ICO Information Sheet and discuss:
  - a. The offender's obligations under an ICO
  - b. The breach mechanisms and possible outcomes (sanctions and cancellations)

- c. Potential frequency of contact dependant on assessed risk
  - d. The requirement for the offender to consent to the sentencing option.
- 2.9. If the offender consents to the making of an ICO they must sign the 7.1.2 ICO Offender Consent Form.
- 2.10. The CCO must seek a proposed residential address from the offender and the contact details of any co-residents. Home Assessments must be completed as part of a standalone ICOAR, in accordance with the Home and Field Visit Community Instruction. Anyone over the age of 18 years residing at the nominated address (except for rehabilitation centres and group houses) must be provided with the 7.1.4 ICO Co-Resident Consent Form and sign the 7.1.4 ICO Co-Resident Consent Form, otherwise the offender will be required to provide a further residential address.
- 2.11. During the assessment period, the CCO should schedule two weeks of contacts in line with the offender's potential reporting frequencies, as if they were subject to an ICO. These frequencies can be found in the Supervision Contact Level guidelines and are based on the offender's approved risk.
- 2.12. Alcohol and/or drug testing should be undertaken during the assessment period, to ensure the CCO has sufficient information to assess the suitability of the offender. If the offender is in custody, the CCO can request drug testing be undertaken by emailing [amcadmissions@act.gov.au](mailto:amcadmissions@act.gov.au)
- 2.13. When interviewing the offender, the CCO should be mindful of information required, both for the preparation of the ICOAR and for the scoring of the Level of Service Inventory – Revised (LSI-R).

### **3. Verifying information**

- 3.1. It is the responsibility of the CCO to verify as much of the information provided by the offender as possible.
- 3.2. All sources of information must be noted within the ICOAR.
- 3.3. If information is confirmed via telephone, the CCO must case note the contact according to the Case Note Policy, outline the details of the contact person and if the information was verified or discredited.
- 3.4. For ease of vetting the CCO must check the verified information boxes on the Offender Intake Data Form or as per 2.6.

### **4. Drafting the report**

- 4.1. When drafting the ICOAR the CCO will generate the form 7.1.7 Intensive Correction Order Assessment Report - 26 Sep 17 from the offender information management system. This template highlights the relevant information to be provided to the court and provides descriptions of the details to be included.
- 4.2. During a COVID-19 emergency the CCO will generate the COVID-19 ICO Assessment of Suitability Template.

- 4.3. Section 46D of the *Crimes (Sentencing) Act 2005* outlines the matters for assessing the offender’s suitability to serve an ICO. These are included in the table below:

<b>Column 1 – item</b>	<b>Column 2 – matter</b>	<b>Column 3 – indication of unsuitability</b>
1	degree of dependence on alcohol or a controlled drug	major problem with alcohol or a controlled drug
2	psychiatric or psychological condition	major psychiatric or psychological disorder
3	Medical condition	potential unfitness to comply with an intensive correction order
4	criminal record and response to previous court orders	serious criminal record or substantial noncompliance with previous court orders
5	employment and personal circumstances	potential impracticability of compliance with intensive correction order
6	participation and degree of compliance with intensive correction assessment	substantial noncompliance with assessment
7	living circumstances of the offender	member of offender’s household does not consent to living with the offender while the offender is serving intensive correction.  someone with parental responsibility or guardianship for a person who is a member of the offender’s household does not consent to the person living with the offender while the offender is serving intensive correction

- 4.4. An ICOAR must address each matter noted by the courts in the request for a report. The CCO must ensure that the charge number/s match the charge description/s, as per the Integrated Court Management System (ICMS) or the Statement of Facts.
- 4.5. As per section 17B (2) of the *Victims of Crime Act 1994*, ACTCS must seek and consider the victim’s concerns about the need for protection from violence or harassment by the offender. This information will be provided to the CCO by the VLO, and as per the *Victim Information for Reports and Assessments Community Instruction*. To avoid the inclusion of extensive or potentially identifying victim information in reports or assessments, the following wording must be used, choosing whichever is relevant:

- a. "This Service has had contact with the victim of the current offence(s) or their guardian. They indicated they had continued concerns regarding their need for protection from violence or harassment from the offender."
  - b. "This Service has had contact with the victim of the current offence(s) or their guardian. They indicated they did not have concerns regarding their need for protection from violence or harassment from the offender."
  - c. "No victim information was provided for the purpose of this report/assessment."
- 4.6. Further to section 4.5, there may be instances where ACTCS must seek and consider the concerns of multiple victims, and not all victims provide consent for the inclusion of their input in the report. In these cases, the author of the report should consult with the VLO and their TL about how best to accurately reflect this in the report without divulging any identifying information. Suggested wording includes:
- a. "This service considered the concerns of multiple victims and/or victims of relevant offences for the preparation of this report/assessment. It should be noted that there was variance among the responses of the victims in regard to their ongoing concerns about their need for protection from violence or harassment from the offender."
  - b. "This service considered the concerns of multiple victims and/or victims of relevant offences for the preparation of this report/assessment. It should be noted that not all of the victims consulted wished to provide information for the purpose of this report/assessment."
- 4.7. Sections 4.5 and 4.6 (above) do not apply if this information is included in an existing and current PSR for the matters being addressed by the ICOAR.
- 4.8. All ICOARs authored by CCOs can be subject to cross examination, as such, CCOs should be clear when:
- a. noting an opinion
  - b. providing unverified information.

## **5. Community Service Work Suitability**

- 5.1. When assessing an offender's suitability for a Community Service condition in relation to an ICOAR, the CCO must consider the following indicators of unsuitability as per section 80D (4) of the Crimes (Sentencing) Act 2005:
- a. any major problem with alcohol or a controlled drug
  - b. any major psychiatric or psychological disorder
  - c. any serious criminal record
  - d. any potential impracticability of regular reporting for community service work
  - e. any potential unfitness to perform community service work.
- 5.2. The CCO must explain the content of the Community Service Work Condition Health Declaration form to the offender and seek their signature if appropriate. If the offender cannot sign the form due to physical/mental illness or alcohol and/or other drug use, the CCO

must record the reason and explain that this may result in them being found unsuitable for a community service condition.

- 5.3. If the CCO has any concerns regarding the suitability assessment, they must consult with their TL or the Community Service Work Coordinator.

## **6. Vetting**

- 6.1. All ICOARs must be vetted by a TL or Manager to ensure accuracy and consistency of information provided to the courts.
- 6.2. ICOARs should be provided to the TL for vetting at a minimum of five (5) days prior to the report's due date. If this is not possible the CCO must contact the TL to negotiate a shorter period.
- 6.3. The vetting process may include a review and approval of the Level of Service Inventory – Revised (LSI-R) assessment if an existing LSI-R is not yet approved or has expired.
- 6.4. Best practice is for the author of the report and their respective TL to sign the completed ICOAR. In the circumstance where those officers are unavailable, the ICOAR may be signed on behalf of the author/approver by another delegated officer/TL.
- 6.5. The TL may case note the approval of the LSI-R and ICOAR and must ensure any actions in respect to their completion are recorded in the offender information management system.

## **7. Providing the ICOAR to the court**

- 7.1. Once the ICOAR has been signed it must be scanned and sent via e-mail to the court. The scanned copy must also be uploaded into the offender information management system.
- 7.2. Reports for the Magistrates Court are sent to:
  - a. [MCChamberAssociates@act.gov.au](mailto:MCChamberAssociates@act.gov.au)
  - b. [ACTCSCommunityOperations@act.gov.au](mailto:ACTCSCommunityOperations@act.gov.au)
- 7.3. Reports for the Supreme Court are sent to:
  - a. [SCAssociates@act.gov.au](mailto:SCAssociates@act.gov.au)
  - b. [ACTCSCommunityOperations@act.gov.au](mailto:ACTCSCommunityOperations@act.gov.au)
- 7.4. The CCO must case note that the completed ICOAR has been sent to the requesting court.
- 7.5. After the ICOAR has been sent to the court it is the responsibility of the CCO or TL to close the task in the offender information management system with the correct completion reason no later than the court date. If the task is closed after the court date, it should be backdated.

## **RELATED DOCUMENTS**

- Crimes (Sentencing) Act 2005
- Victims of Crime Act 1994
- Case Note Policy
- Victim Information for Reports and Assessments Community Instruction

- CI - Business rules for registration and allocating a Court or SAB Report
- Home and Field Visit Community Instruction
- Victim Contact Form
- Level of Service Inventory – Revised (LSI-R)
- File Action Request
- 2.2.2 Direction to Attend Report Interview
- ICO Information Sheet
- 2.1.1 Offender Intake Data Form - E-Form - 18 Jan16
- 2.1.2 Offender Intake Data Form - Hardcopy Form - 18 Jan16
- 2.1.4 Consent to Obtain and Release Personal Information Form
- 7.1.4 ICO Co-Resident Consent Form
- 7.1.2 ICO Offender Consent Form 8 Mar 16
- 7.1.7 Intensive Correction Order Assessment Report - 26 Sep 17
- COVID-19 ICO Assessment of Suitability Template

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Criteria

Details

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