



<b>COMMUNITY INSTRUCTION</b>	<b>Drug and Alcohol Treatment Assessment (DATA)</b>
<b>COMMUNITY INSTRUCTION NO.</b>	<b>C24.4</b>
<b>SCOPE</b>	<b>Community Operations</b>

## STATEMENT OF PURPOSE

To provide instruction to Community Operations staff in relation to the preparation and completion of a Drug and Alcohol Treatment Assessment (DATA) and partnership with the Drug and Alcohol Sentencing List (DASL) treatment and supervision team.

## PROCEDURES

### 1. Treatment Order Team

- 1.1. The DASL treatment order team is established pursuant to section 80M of the Crimes (Sentencing) Act 2005. The team consists of representatives of:
  - a. the court (sentencing judge)
  - b. the Justice and Community Safety Director-General (a CCO)
  - c. the ACT Health Director-General (an employee of the Alcohol and other Drug Services)
  - d. the Director of Public Prosecutions (a prosecutor)
  - e. the Legal Aid Commission (an employed solicitor from Legal Aid ACT)
  - f. the Chief Police Officer (an ACT police officer)
  - g. if requested by the judge, the treatment team may also include an Aboriginal Guidance Partner, a clinician of ACT Mental Health Services, an ACT Housing representative, or any other person identified as necessary. *Ex officio* members include the Court's case coordinator and any Associate or Registrar allocated to the DASL.
- 1.2. Utilising their varied expertise, the role of the treatment team is to:
  - a. collaboratively formulate a treatment plan following consultation with any relevant treatment provider and with the participant's informed consent
  - b. administer the plan by ensuring the program is and continues to be available and suitable, and make recommendations for amendment where appropriate
  - c. work with the participant to support them to achieve their goals within the program
  - d. assess and report on compliance with the requirements of the order
  - e. address any breach of the program conditions.
- 1.3. The Judge leads the treatment team and has ultimate responsibility for making decisions in relation to the program and other orders applicable to the participant.
- 1.4. Treatment team members will share information as necessary and relevant, and as permitted by law, to consider and review the participants' progress and compliance. This information

exchange may occur at case conferences or between team members in advance of case conferences if that will promote the purpose of the order.

- 1.5. Any information shared outside the case conference must be made available to the treatment team at a subsequent conference.

## **2. Registration and Allocation**

- 2.1. Requests for DATAs will be made by the court and emailed to the ACTCS Sentence Administration Section (SAS). The court should also provide the Criminal History (CH), Statement of Facts (SOF) and any other information relevant to the sentencing matter.
- 2.2. The SAS will enter the DATA 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*.
- 2.3. A TL will allocate a DATA to a Community Corrections Officer (CCO) at the 'Preparing' stage.
- 2.4. If there is no existing and current Pre-Sentence Report (PSR) for the matters being addressed in the DATA, 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 offender's name
  - b. The offender's date of birth
  - c. The offender's PID; and
  - d. The date the report is due to the TL for vetting.

## **3. Gathering Information**

- 3.1. 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-Request 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.
- 3.2. 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.
- 3.3. 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.
- 3.4. When undertaking DATA 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 must complete 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.
- 3.5. If the documents in 3.4 were completed during a recent PSR and the information contained remains valid and relevant, the CCO may decide not to reapply their use and case note all assessment information.
  - 3.6. The offender must be provided with the DATA Information Sheet during the assessment period and if needed the CCO will read through and explain the document. The CCO will seek verbal consent and case note this information. Signed consent in relation to the making of a treatment order will be sought by the Treatment Order Team.
  - 3.7. 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.
  - 3.8. 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 DATA, refer to the Home and Field Visit Community Instruction for details. Co-residents must be given the Drug and Alcohol Treatment Order (DATO) Co-Resident Information Sheet and all adult residents must provide consent to the offender residing with them.
  - 3.9. When interviewing the offender, the CCO should be mindful of information required, both for the preparation of the DATA (as outlined in section 46K of the Crimes (Sentencing) Act 2005) and for the scoring of the Level of Service Inventory – Revised (LSI-R).

#### **4. Verifying Information**

- 4.1. It is the responsibility of the CCO to verify as much of the information provided by the offender as possible.
- 4.2. If the offender is applying to enter residential rehabilitation as part of the Drug and Alcohol Treatment Order, confirmation from the rehabilitation provider must be verified.
- 4.3. All sources of information must be noted within the DATA.
- 4.4. 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 state whether the information was verified or discredited.
- 4.5. For ease of vetting the CCO must check the verified information boxes on the Offender Intake Data Form.

## 5. Drafting the Report

- 5.1. When drafting the DATA, the CCO will generate the DATA Template 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.
- 5.2. Section 46K of the Crimes (Sentencing) Act 2005 outlines the matters for assessing the offender's suitability to comply with a Drug and Alcohol Treatment Order, these are included in the table below:

Column 1 – item	Column 2 – matter	Column 3 – indication of unsuitability
1	degree of dependence on alcohol or a controlled drug	major problem with alcohol or a controlled drug unlikely to change under drug and alcohol treatment order
2	psychiatric or psychological condition	major psychiatric or psychological disorder likely to prevent compliance with a drug and alcohol treatment order
3	Medical condition	medical condition likely to prevent compliance with a drug and alcohol treatment 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 a drug and alcohol treatment order
6	participation and degree of compliance with drug and alcohol treatment assessment	substantial noncompliance with assessment
7	living circumstances of the offender	inability or refusal to live in ACT. member of offender's household does not consent to living with the offender while the offender is subject to a drug and alcohol treatment order

- 5.3. A DATA must address each offence noted by the courts in the request for the assessment. 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.
- 5.4. As per section 17B(2) of the Victims of Crime Act 1994, ACTCS must seek and consider the victim's concern 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."
- 5.5. Further to 5.4, 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."
- 5.6. Sections 5.4 and 5.5 (above) do not apply if this information is included in an existing and current PSR for the matters being addressed by the DATA.
- 5.7. As all reports authored by CCOs can be subject to cross-examination, CCOs will state clearly if they are:
- a. noting an opinion
  - b. providing unverified information.

## **6. Vetting**

- 6.1. All DATAs must be vetted by a TL or Manager to ensure accuracy and consistency of information provided to the courts.
- 6.2. DATAs must 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 DATA. In the circumstance where those officers are unavailable, the DATA 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 DATA and must ensure any actions in respect to their completion are recorded in the offender information management system.

## **7. Providing the DATA to the Court**

- 7.1. Once the DATA has been signed it must be scanned and sent via e-mail to the court and treatment order team. The scanned copy must also be uploaded into the offender information management system.
- 7.2. Reports for the Supreme Court must be sent 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. [ACTCSCCommunityOperations@act.gov.au](mailto:ACTCSCCommunityOperations@act.gov.au)
  - e. [chs.dasl@act.gov.au](mailto:chs.dasl@act.gov.au)
- 7.3. The CCO must case note that the completed DATA has been sent to the court.
- 7.4. After the DATA 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. Should the task be closed after the court date it must be backdated.

## **8. Appearance at the Drug and Alcohol Sentencing List**

- 8.1. The author of the DATA must appear before the DASL to answer any questions in relation to the assessment or the proposed case management of the offender.
- 8.2. The purpose of the DASL is to consider all agencies views on the prospective suitability of the offender and determine if a DATO is made.

## **RELATED DOCUMENTS**

- Crimes (Sentencing) Act 2005
- Victims of Crime Act 1994
- Case Note Policy
- Victim Information for Reports and Assessment Community Instruction
- CI - Business rules for registration and allocating a Court or SAB Report
- Home and Field Visit Community Instruction
- Level of Service Inventory – Revised (LSI-R)
- File Action Request v22 December 2015
- 2.2.2 Direction-Request to Attend Report Interview
- 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
- DATO Co-Resident Information Sheet
- DATA Template
- DATO Information Sheet

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**Document details**

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Compliance:	This community instruction reflects the requirements of the <i>Corrections Management (Policy Framework) Policy 2020</i>

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V1	October 2021	First Issued	M Steen
V2	July 2023	Amendment	M Butler