



**LEGISLATIVE ASSEMBLY**  
**FOR THE AUSTRALIAN CAPITAL TERRITORY**

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**STANDING COMMITTEE ON JUSTICE AND COMMUNITY SAFETY**

**Mr Jeremy Hanson MLA (Chair), Dr Marisa Paterson (Deputy Chair), Ms Jo Clay MLA**

## Submission Cover Sheet

### Inquiry into Community Corrections

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**SUBMISSION TO THE  
STANDING COMMITTEE ON JUSTICE AND COMMUNITY SAFETY:  
INQUIRY INTO COMMUNITY CORRECTIONS**

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## **INTRODUCTION**

The ACT Government welcomes the opportunity to make a submission to the Inquiry into Community Corrections that is being conducted by the Justice and Community Safety Standing Committee. This submission details the services provided by ACTCS within the area of Community Corrections as specified within the Terms of Reference for the Inquiry.

## **COMMUNITY CORRECTIONS OVERVIEW**

ACTCS plays a significant role in Community Corrections and the ACT justice system more broadly with responsibility for administering court-imposed sanctions including the supervision of offenders in the community subject to bail conditions; community-based sentences and those released from custody on parole.

Community supervision is largely focused on targeting criminogenic needs, that is, those major risk factors which are highly associated with criminal behaviour. Hence, ACTCS aims to work with offenders to address issues such as substance abuse and unemployment with the shared goal of reducing the offender's risk of reoffending and thereby promoting greater community safety.

Within ACTCS, Community Correction Officers (CCOs) are responsible for providing professional case management, supervision and monitoring for people on court and parole orders. CCOs aim to promote and apply the principles of contemporary best practices in relation to offender management, including conducting assessments and written reports to the Courts, releasing authorities and other statutory bodies in relation to offender management, risk and intervention outcomes.

CCOs also facilitate access for offenders to relevant management programs and Community Service Work where required, aiming to maximise correctional/rehabilitative opportunities so that the impacts of crime on the community are reduced.

Through the provision of a wide range of interventions including offender behaviour management programs, education and vocational training, ACTCS strives to reduce recidivism and promote successful rehabilitation and reintegration into the community.

ACTCS also provides advice and services to the Courts, the Sentence Administration Board and a range of government and community stakeholders.

## **STRATEGIC PLANNING**

ACTCS' Strategic Plan 2019-24 is titled 'One Team, One Purpose: Supporting a Safer Community' contains four pillars: Safety, Reintegration, Dignity and Excellence'. A number of key priorities identified in the current Strategic Plan directly and indirectly intersect with the Community Corrections area. Some of the key initiatives in this area that have commenced or are currently under development include, but are not limited to:

- collaboration with ACT Health, Canberra Health Services (CHS) and ACT Courts and Tribunal on the implementation of the Drug and Alcohol Sentencing List (DASL) to provide an alternative sentencing option for offenders.

- implementation of the Justice Housing Program (JHP) under the ACT Government Building Communities Not Prisons initiative working in partnership with Housing ACT and community organisations to establish government housing properties that provide transitional tenancy and occupancy support for offenders without suitable accommodation in the community.
- launch of an alternative supervision reporting site at the offices of the Aboriginal community agency, Yeddung Mura. This reporting site has been established for Aboriginal & Torres Strait Islander people who are subject to community-based correction orders including bail, parole, Intensive Corrections Orders and Good Behaviour Orders.

Some of the above initiatives are outlined further below.

## **TERMS OF REFERENCE – FOCUS AREAS ACTCS**

Within Community Corrections, ACTCS provides services in the following areas as identified in the Inquiry's Terms of Reference.

### Parole Systems: Supervision of parolees by Community Corrections

Parole allows an offender to serve part of their sentence of imprisonment in the community. While on parole, an offender is subject to parole conditions and receives supervision from Community Corrections. It should be noted that prior to an offender being released on parole, there are a range of other services, programs and interventions that support their transition from the custodial to a community environment. These do not fall within Community Corrections, however, and are therefore beyond the scope of this submission.

#### *Parole Team*

ACTCS has a dedicated Parole Team within its Community Corrections Division that takes over primary management for an offender, after they are released on parole. The objective of parole and the Parole Team is to maintain community safety and provide offenders with a structured, supported and supervised transition so that they can effectively adjust from a custodial environment back into the community. Where granted parole, offenders are supervised by the Parole Team who will meet regularly with the offender, including visiting them at home on occasion. The offender may also be required to undertake various activities such as recurrent drug-testing or participation in rehabilitation programs.

Consequences for offenders who fail to meet their parole conditions include, but are not limited to, the issuing of a warning or cancellation of the parole order and imprisonment for the balance of their sentence. These sanctions are administered via the Sentence Administration Board.

#### *Extended Throughcare Program*

ACTCS also provides an Extended Throughcare Program which sits within the Offender Reintegration Division. The Program provides support to eligible offenders returning to the

community following their release from the AMC, including those on parole. The Program's engagement with an eligible offender commences pre-release and continues for a period of up to 12 months post-release. The eligibility criteria are based on the length of time a client has spent in custody, including both periods held on remand or under sentence.

The Program aims to enable the offender's successful reintegration into the community by providing person-centred case management that focuses on five core areas: accommodation; basic needs; health; income; family and community connections. Support involves: individual needs-based assessment; service liaison / coordination, including referrals and advocacy; day of release support; intensive outreach support for some, facilitated through referral to one of several community organisations; and limited brokerage. Targeted support is also available for Aboriginal and Torres Strait Islander offenders, which includes working closely with families to develop strong and enduring supports.

When offenders are under the supervision of ACTCS, Throughcare officers work alongside CCOs and community organisations to address the offender's criminogenic needs to reduce the risk of reoffending.

#### Intensive Corrections Order (ICOs)

ICOs were introduced on 2 March 2016 under the *Crime (Sentencing) Act 2005*, as a sentencing option in the ACT. ICOs are available as an alternative to full time imprisonment for eligible offenders serving short sentences (generally up to two years, or in exceptional circumstances up to four years). With the consent of the offender, ICOs allow suitable offenders to serve their sentence of imprisonment in the community under the supervision of ACTCS.

An ICO features supervision which is generally very intensive and significantly greater than that experienced by offenders on other types of community-based orders. This includes more frequent appointments, more frequent drug testing, field visits to the home and workplace and curfew provisions. The ICO is also designed to provide greater incentives for an offender to address their offending behaviour through attendance at rehabilitation programs. Prior to the court making an ICO, an offender is subject to an assessment conducted by ACTCS.

Sanctions for offenders who fail to meet the conditions of an ICO include the issuing of a warning, imposing a short-term period of imprisonment of three or seven days and cancellation of the order and imprisonment for the balance of the sentence. These sanctions are administered by the Sentence Administration Board (also see below).

The Intensive Correction Orders Review Report which was tabled at the Legislative Assembly in 2020 identified that "the ICO is an effective sentencing option and some stakeholders considered it was likely to contribute to reducing re-offending which was also supported by data analysis of the cohort through the operational period of the ICO. Additionally, the order has met its strategic priority indicating a stabilising effect on the detainee population growth in the AMC".

As outlined in the JACS Annual Report 2019-20:

*On 30 June 2020, there were 88 offenders serving an ICO, with 98 active ICOs. Community Operations completed 182 ICO Assessment Reports at the request of ACT Courts. Since ICOs were introduced, there has been a steady increase in the use of these orders by the courts.*

#### Drug and Alcohol Treatment Orders (DATOs)

DATOs were introduced as a sentencing option in the ACT on the 3 December 2019 under the *Crime (Sentencing) Act 2005*. The Drug and Alcohol Sentencing List (DASL) and DATO are made in conjunction with a suspended sentence and can be from 12 months to two years duration. The DASL Team includes a Supreme Court Judicial Officer, and representatives from ACT Courts and Tribunal, CHS, ACTCS, Director of Public Prosecutions, Legal Aid ACT and an Aboriginal Liaison Officer. ACT Policing and Housing ACT also provide advice to the DASL Team.

The multi-disciplinary DASL team work collaboratively to case manage and monitor participants. The role of ACTCS includes conducting DATO suitability assessments in conjunction with CHS, as well as the monitoring of core conditions, supervision and referral to offence-related programs. CHS case manages the alcohol, drug and mental health component of the treatment program.

Sanctions for offenders who fail to meet the conditions of the DATO include the issuing of a warning, imposing a short-term period of imprisonment of either seven or 14 days and cancellation of the order and imprisonment for the balance of the sentence. These sanctions are administered by the Sentence Administration Board.

As per the JACS Annual Report 2019-20:

*On 30 June 2020, there were six offenders serving a DATO. Community Corrections and Release Planning completed nine DATO Assessments at the request of the ACT Supreme Court; eight participants were found suitable and one not suitable. Nine sanctions have been imposed of imprisonment for either seven days or 14 days, totalling 98 days imprisonment. Two participants had their DATOs cancelled and were imprisoned for the balance of their sentence.*

#### Recidivism Outcomes

Repeated criminal offending has substantial impacts in terms of human, social and financial costs. Conversely, a reduction in reoffending means a safer and more inclusive community. Reducing the incidence of crime and reoffending is a primary task of the criminal justice system and provides for a safer and more inclusive community. ACTCS plays an important role in working towards this objective in the area of Community Corrections. Recidivism rates are one measure which are used to assess the effectiveness of the criminal justice system in achieving this aim.

As per the JACS Annual Report 2019-20:

*In 2019-20, there has been a decrease in recidivism of detainees returning from imprisonment to corrective services. This includes a decrease of 5.3% in the rate of*

*return-to-custody of detainees from 42.4% in 2018-19 to 37.1% in 2019-20, and a decrease of 7.9% in the rate of detainees returning to corrective services from 71.3% in 2018-19 to 63.4% in 2019-20.*

*There was an increase of 1.4% in the rate of offenders discharged from community corrections orders returning to community corrections and an increase of 1.7% in the rate of offenders discharged from community corrections orders returning to corrective services. The tables below provide the rates of return for detainees and offenders. This data is two years earlier than the current reporting period, as this delay allows for the recidivism of detainees and offenders to be measured according to whether they return to corrective services. This is consistent with the reporting requirements of the Productivity Commission's Report on Government Services.*

*Table 13: ACT Detainees Released who Returned to Corrective Services with a New Correctional Sanction within Two Year (as a percentage):*

Detainees Returning to:	2015-16	2016-17	2017-18	2018-19	2019-20
Detention	41.0	38.6	44.2	42.4	37.1
Corrective Services*	61.3	58.5	69.9	71.3	63.4

*\* Return to corrective services refers to persons who have returned to corrective services supervision, be that detention or on a community-based order.*

*Table 14: ACT Offenders Discharged from Community Corrections Orders who Returned with a New Correctional Sanction within Two Years (as a Percentage)*

Offenders^ returning to:	2015-16	2016-17	2017-18	2018-19	2019-20
Community Corrections	15.4	16.3	14.9	16.9	18.3
Corrective Services*	15.8	17.9	16.8	19.1	20.8

*^ Offender recidivism refers to persons whose earlier offence resulted in them being sentenced to a community-based order.*

*\* Return to corrective services refers to persons who have returned to corrective services supervision, be that detention or on a community-based order.*

Whilst recidivism rates are a key measure of assessing the effectiveness of the criminal justice system, these are binary in nature and behavioural change is a multi-faceted process. Hence this measure alone does not necessarily reflect those other positive outcomes for offenders and community safety that may be achieved. For example, other measures such as those that reflect not just whether a person reoffends or not, but whether there are

increasing intervals between offenses and de-escalating behaviour are also useful indicators of effective criminal justice system interventions<sup>1</sup>.

### Victims of Crime

The Charter of Rights for Victims of Crime outlines a victim's rights in the criminal justice system. If victims have concerns about protection from violence or harassment by an offender, they have a right to have these concerns considered by ACTCS when preparing the pre-sentencing report (PSR). The PSR is completed by ACTCS to assist the Court to determine the offender's sentence. After the offender has been sentenced, victims also have the right to be kept informed about the administration of the offender's sentence through inclusion on the Victims Register. For example, if a victim is on the Register, they can receive information such as when an offender is released from custody or the conditions of their community-based corrections order. Victims who are on the Register are also invited to make a submission to the Sentence Administration Board if the offender is being considered for release on parole or licence.

### Any Other Relevant Matters

#### *ACTCS Compendium of Programs and Corrections Program Unit*

The ACTCS Compendium of Programs is a key component of the ACTCS Rehabilitation Framework, providing offenders and detainees with opportunities to address their identified criminogenic needs. Working towards the strategic target of reducing recidivism by 25% by 2025, programs offered to offenders and detainees are evidence-based and holistic. The sentence management continuum ensures detainees and offenders are active participants in their transition through ACTCS.

Targeting the 'Central Eight' risk factors for reoffending, the ACTCS Compendium of Programs details the interventions available commensurate to the assessed risk and needs of offenders. Offering a range of preparation, offence-specific, offence-related, wellbeing, and mandatory programs, the Corrections Programs Unit (CPU) provides a vital link for offenders and detainees to develop essential skills and thereby increase both community safety and their likelihood of reintegration into community life.

Offence-specific (criminogenic) programs target the dynamic factors that influence an offender's criminal behaviour. Programs address different areas of offending behaviours (for example, violent or sexual offences), and provide detainees with the opportunity to learn and demonstrate new behaviours learning from their criminal history.

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<sup>1</sup> Cecelia M. Klingele, Measuring Change: From Rates of Recidivism to Markers of Desistance, 109 J. CRIM. L. & CRIMINOLOGY 769 (2019)



## *Bail Orders*

Being granted a bail order means being released from custody on the understanding that the accused person will appear in court at a future date to face a charge. Bail orders may be granted unconditionally or with conditions attached. If the accused has a condition to accept the supervision of ACTCS, they must comply with bail supervision as directed. Failure to comply with bail order conditions will result in the court being notified through a breach of bail report.

## *Community Service Work (CSW)*

CSW has attained increasing importance as a sentencing option in the ACT and other Australian and international jurisdictions. There are a number of reasons posited for use of CSW as a sentencing option:

- Punishment – an offender is required to commit time and work as a consequence of their offending behaviour.
- Restitution – by undertaking unpaid work the offender is afforded an opportunity to “make good” the damage done by offending.
- Restoration – through involvement in work projects the offender may develop a capacity for positive engagement and develop pro-social relationships.

The punishment rationale can exist comfortably with restitution and restoration particularly when the work undertaken is meaningful to the offender and contributes to skill development. The United Nations Tokyo Rules for non-custodial sentencing measures present a set of fundamental rules that should guide such measures. See for example rule 1.2:

*The rules are intended to promote greater community involvement in the management of criminal justice, specifically in the treatment of offenders, as well as to promote among offenders a sense of responsibility to towards society.*

A study undertaken by the Bureau of Crime Statistics and Research (BOCSAR) in NSW demonstrated that involvement in CSW can have an effect on recidivism that is more positive than supervised probation.

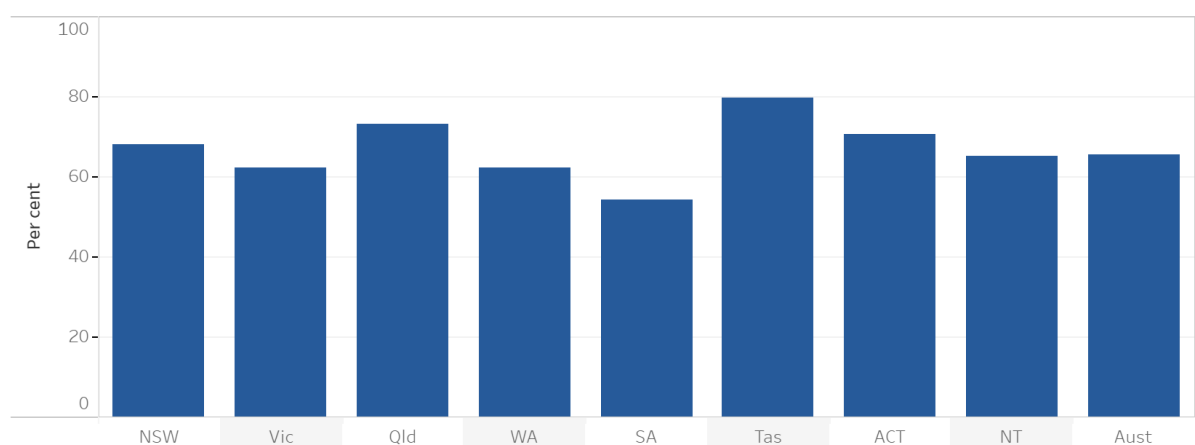
Within ACTCS, the CSW Unit sits within the Community Corrections Division and supports administration of those community-based correction orders which also have a CSW condition. The CSW program represents an important engagement for community corrections with the broader community. Ongoing community support for this important sentencing measure is vital and depends on the program being well managed and maintaining a high level of integrity.

Offenders may be required to perform up to 500 hours of work as part of their order. ACTCS supervised community work crews currently operate five days per week, including Saturdays. Work crew duties typically include activities such as graffiti removal, beautification of parklands, administrative jobs, special projects, cleaning, repairing and

gardening jobs for various not-for-profit organisations and charities. As per the JACS Annual Report 2019-20:

*16,486 CSW hours were performed by 312 offenders. Completion of educational and/or programs hours designed to address offending risk factors (up to 25% of total hours) may also count towards CSW hours.*

According to the Report on Government Services (RoGS) for 2021, ACT was the third highest jurisdiction nationally in terms of the proportion of imposed hours of CSW acquitted during 2019-20 financial year (70.7% compared with national average of 65.6%), as shown below in Figure 2.



Source: table 8A.14

Nationally in 2019-20, for orders discharged during the financial year, the proportion of imposed hours of unpaid community work that was acquitted was 65.6 per cent.

**Figure 2. Proportion of imposed hours unpaid community service work acquitted for 2019-20 (replicated from RoGS 2020-21)**

### *Yeddung Mura Alternative Reporting Site*

As of 23 July 2021, internal data from ACTCS suggested that approximately 16% of all community-based corrections orders related to Aboriginal and Torres Strait Islander offenders. Understandably, the over-representation of Aboriginal and Torres Strait Islander people within the criminal justice system is a focus within Community Corrections as it is within other areas.

As noted above, ACTCS has partnered with local Aboriginal community agency, Yeddung Mura, to commence an alternative reporting site at the Yeddung Mura offices from July 2021. This six-month trial is designed to promote improved supervision of Aboriginal and Torres Strait Islander clients who are subject to community-based correction orders.

The objectives of this trial are:

- To provide an alternative and culturally appropriate reporting site for Aboriginal and Torres Strait Islander people to attend for the purpose of meeting the requirements of their community-based correction orders,
- To reduce the risk of non-compliance and promote successful completion of community-based correction orders amongst Aboriginal and Torres Strait Islander people,
- Increase access for Aboriginal and Torres Strait Islander people to Community Corrections and foster linkages with other culturally appropriate support services based out of Yeddung Mura,
- Increase cultural awareness and culturally appropriate practice for ACTCS Community Corrections staff, and
- Develop strong working partnerships with community agencies, particularly those which serve the Aboriginal and Torres Strait Islander community.

An internal evaluation and associated report will be completed at the end of the 6-month trial period to assess the outcomes and ongoing viability of the alternative reporting site and inform future expansion of these services, if indicated.

#### *Collaboration with other stakeholders and partner agencies*

ACTCS also is committed to developing partnerships with a range of other key stakeholder agencies to enhance service provision for offenders and contribute to community safety.

For example, in August 2021, a Justice Services Counsellor from Karralika Programs was embedded in ACTCS one day per week to offer bespoke alcohol and drug counselling services for offenders in the community. The Counsellor will also be available to provide information, advice and referral pathways for ACTCS staff to help support those offenders with alcohol and substance use issues.

ACTCS also plays a key role within the area of family and domestic violence through its participation in:

- The Family Violence Safety Action Pilot (FVSAP). The FVSAP is a multiagency (government and non-government) forum that aims to improve the safety of victim survivors by collecting and sharing information to identify and assess the risk of harm that a domestic and family violence perpetrator poses to victim survivors, including children and young people.
- Family Violence Case Tracking (FVCT). FVCT is another multiagency forum whose primary purpose is to keep victims safe during the lead up to criminal justice proceedings. The secondary purpose is to provide an effective inter-agency response to victims and offenders in the prosecution of criminal family violence matters.

#### *ACTCS Employment Specialist*

ACTCS has a dedicated Employment Specialist position within the Offender Reintegration Division which was established permanently during 2019-20. This role offers a range of supports to offenders who are subject to community-based corrections orders and those who have been in custody to improve their chances of securing ongoing employment.

These services include access to the Work Ready program (modularised course that builds skills and provides assistance in areas such as resume writing, job interview preparation, communication, goal setting and career planning); identification of suitable job vacancies through engaged employers; referrals to other employment assistance programs and Job Network Providers in the community to provide a connected service between offenders and employers.

### *Justice Housing Program*

The Justice Housing Program (JHP) is a core element of the ACT Government's Building Communities Not Prisons initiative, which seeks to address the recognised lack of available and affordable supported housing for people released from custody.

- This initiative has established a Supported Transitional Justice Housing Program across the ACT to support efforts to reduce reoffending and to reduce numbers at the Alexander Maconochie Centre (AMC).
- The JHP is a collaboration between the JACS Directorate, Community Services Directorate (CSD), the social and community housing sector and support agencies, and aims to meet the diverse needs of people in the criminal justice system who are on bail or exiting custody.
- The JHP provides an accommodation option for those who otherwise would be incarcerated in the AMC due to a lack of suitable community-based accommodation. An example is those who are remanded in custody instead of receiving bail in the community because they do not have a suitable address, or those applying for parole. This is intended to act as a transition to longer-term or permanent accommodation in public housing, community housing or the private rental market.
- The JHP service provider works with residents to source and transition into other long-term accommodation. It is important to note that this support relates to a resident's accommodation and does not limit involvement with other services with whom an individual may be engaged, such as outreach or counselling services.
- JHP accommodation is sourced from Housing ACT under arrangements ensuring public housing stock availability is not impacted by this initiative.

### **CONCLUSION**

The ACT Government is strongly committed to delivering services where the rehabilitation and reintegration of offenders is of paramount importance, while ensuring community safety. The findings and recommendations of this Inquiry will contribute to the continuous improvement of the care, supervision and monitoring of people on court and parole orders. ACTCS would be obliged to attend a hearing to answer any questions the Committee may have.