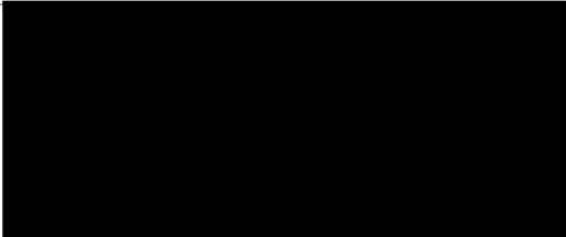


**IN THE MATTER OF THE ROYAL COMMISSION
INTO FAMILY VIOLENCE**

ATTACHMENT JMS-7 TO STATEMENT OF JANICE MARGARET SHUARD

Date of document: 27 July 2015
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This is the attachment marked '**JMS-7**' produced and shown to **JANICE MARGARET SHUARD** at the time of signing her Statement on 27 July 2015.

Before me: ...



**An Australian Legal Practitioner within
the meaning of the Legal Profession Uniform Law (Victoria)**

Attachment JMS-7

Deputy Commissioner's Instruction – Community Correctional Services

Case Management - Court Orders

Section	10. Management of Court Orders		
DCI number	10.2	Current Issue Date	22 April 2015
Legislation and Policy	Corrections Act 1986 Privacy and Data Protection Act 2014		
Standard	B2 Offender Management		
Attachments	Nil		
CCS Forms	CCS Review Checklist		

PURPOSE

Offenders on Court Orders are supervised commensurate to their level of assessed risk and need. CV's aim is to have offenders embrace strategies to reduce their risk of re-offending and to be guided towards successful completion of their Order.

KEY REQUIREMENTS

Case Managers are required to implement case planning interventions, commensurate with the level of assessed risk and need, within six weeks of Order commencement.

Offenders are monitored within the supervision regime that is relevant to their identified risk.

Offenders' attendance and engagement in programs or services is to be monitored.

CONTEXT

Corrections Victoria is required to administer sentences of the Court in a manner whereby:

- the offender is not punished over and above the sentence imposed by the sentencing authority;
- the legal requirements of the Order are enforced in a non-judgmental way;
- all directions take into account the legitimate rights and needs of offenders in relation to gender, employment, carer status and any disability and special needs;
- intrusion into the lives of offenders does not exceed what is necessary to ensure compliance and community safety; and
- fairness and equity form the basis of the case manager's decision making with an emphasis on ensuring order conditions are implemented and failures to comply are addressed.

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1 INSTRUCTION

1.1 Supervision Frequency and administrative process

Initial frequency of supervision is determined by the assessed risk/priority rating of the offender, and is then subsequently determined largely by the offender's progress and compliance. Ideally, a reduction of supervision occurs progressively throughout the duration of the Order.

Changes to frequency of supervision are to be discussed with a Senior Officer and reflected on EJS in the "supervision frequency" field.

Table 1 outlines the minimum requirements for offenders to report to their supervising officer. Offenders can be managed outside of these arrangements subject to discussion with a Senior Officer.

Table 1 : Frequency of Supervision

Supervision Frequency					
Risk level	Up to 6 weeks	Up to 3 months	3–6 months	6–12 months	12 + months
VISAT: High LS/RNR - Priority 1	Minimum Weekly until Case Plan complete	Weekly/ Fortnightly	Fortnightly	Three weekly	Monthly
VISAT: Moderate, with high criminogenic needs Priority 2 cases allocated to a LCCO	Weekly until Case Plan complete	Fortnightly	Monthly	Monthly	Monthly
VISAT: Moderate Priority 2 allocated to a CCO	Weekly /Fortnightly To be determined by SCCO	Fortnightly	Monthly	Monthly	Monthly
VISAT: Low Priority 3	Weekly/Fortnightly To be determined by SCCO	Monthly	Monthly	Every two months	Every two months

* Priority 4 offenders are classified as unsupervised orders; refer to Deputy Commissioners Instruction Management of Community Work Orders 9.2

E*Justice (EJS) should reflect the general risk of re-offending calculated at the time of the assessment as determined by the LS/RNR. The risk of sexual re-offending for all sex offenders must also be entered in EJS.

Irrespective of a sex offender's general risk of re-offending, sex offenders are to be managed as a Priority 1 offender until Specialised Offender Assessment and Treatment Services (SOATS) provide feedback regarding an offender's sexual risk of re-offending.

Availability of allocated case manager :

- When a case manager is on leave for two weeks or more, Priority One and Priority Two offenders allocated to a LCCO are to be reallocated at the discretion of the Senior Officer for the duration of the leave.
- A duty worker may facilitate a reporting or supervision appointment for all other offenders during a staff absence. If, during this period any issues arise, the case is to be discussed with a Senior Officer.

1.2 Case Management - The First Six Weeks

Staff are to utilise the first six weeks to engage with the offender in a structured manner to support successful completion and commence addressing risks/needs. This includes:

- Complete the LS/RNR and case plan where required
- Action all conditions of the Order within required timeframes.
- Determine ongoing supervision frequency

1.3 Interventions Based on Risk

Assessment of risk forms the basis of the level of intervention for each offender. Optional interventions may be applied subject to the discretion of a Senior Officer.

Table 2: Assessed Risk Interventions

<i>Supervision Interventions for offender subject to Community Correction and like Orders</i>							
Risk Level/ Priority Matrix Outcome	Proposed Allocation	Case Plan	Risk/Need/ Responsivity Model	CMRM	Case Conference	Workbooks	Home Visits**
Priority 1 High	LCCO	Yes	Yes	Optional	Optional	Yes	Optional
Priority 2 Moderate	LCCO CCO	Optional No	Optional No	Optional Optional	Optional No	Optional No	Optional Optional
Priority 3 Low	CCO	No	No	No*	No	No	Optional

Refer to CMRM table 3, Section 1.6 for CMRM Requirements - High Profile, Major and Sex Offenders.

* CMRM may be utilised as an intervention step in the management of non-compliance, refer to Deputy Commissioner's Instruction 10.3 Non Compliance Management Court Orders.

**Sex offenders subject to a court order must receive a home visit within the first six weeks of the order and documented via home visit report, CCS forms. Refer to Practice Guidelines

1.4 Case Planning

A case plan is to be completed for all Priority One offenders.

Priority Two offenders, allocated to a LCCO may be considered for a case plan in consultation between a Senior Officer and the Case Manager.

The case plan is to be utilised as a road map to assist the case manager and offender in identifying case management strategies, goal planning and work book implementation with a

focus on prioritised criminogenic needs. Case managers are to apply the SMART approach (specific, measurable, achievable, realistic and time framed) when developing goals.

Initial case plans are to be completed, at a minimum, in draft status at the time of the first EJS review and are to be updated and reviewed prior to each subsequent EJS review.

Progress towards offender identified goals, strategies and interventions are to be file noted and reflect any required actions.

Case plans do not require the authorisation of a Senior Officer but are quality assured at the time of the EJS review by the approving Senior Officer.

1.5 Offenders Returning on a Contravened Order/Application

Refer to Deputy Commissioner's Instruction 10.1 Allocation and Induction

1.6 Case Management Review Meetings

The purpose of the Case Management Review Meeting is to:

- encourage multi-disciplinary discussion on an offender's response to supervision, programs, intervention strategies and other specific conditions on their order, to date;
- develop strategies in response to escalating behaviours or risks;
- reconsider risk level and supervision/reporting regime appropriateness; and
- assist the Case Manager to implement new strategies where recommended.

The CMRM template on CCS forms has been designed to support discussions are centred on dynamic risk factors and case management strategies. This form is to be utilised for the purpose of CMRM.

For all Major, High Profile and Sex offenders a CMRM is required to be completed within the first six weeks of Order commencement.

Discretion may be used by Senior Officers in considering the use of CMRMs for:

- Priority one and two, and MACNI offenders, where the offender's situation is unstable or clinical input is required
- Offenders with restrictive conditions where the offender's situation is unstable or clinical input is required
- All other offenders, where in consultation between the Senior Officer and the case manager it is determined that a CMRM would benefit the ongoing case management of the offender.
- CMRM can also be considered where there are complex issues affecting the offenders' compliance and it is an option for intervention in the management of non-compliance.
Refer to Deputy Commissioner's Instruction 10.3 Non Compliance Management Court Orders

Table 3: CMRM Requirements

Pre Matrix risk assessment	Case Priority	CMRM
High Profile and Major Offenders	All	Yes
High risk	Priority 1	Optional
Medium Risk	Priority 2	Optional
Low Risk	Priority 3	No *
Sex Offenders	All	Yes

* CMRM may be considered to address non-compliance.

Where a CMRM has been completed, the CMRM outcome may be used in place of an EJS review at the Senior Officer's discretion.

Where this occurs, Case Managers are required to complete the following

- Utilise the CCS review checklist as a guide to ensure file meets CCS standards
- Attach completed CMRM to file note section of EJS
- Note in EJS review section the date of attachment and submit to SCCO for review approval.
- Further comments are only required to be completed where there has been a significant change to the offender's status post the CMRM.

1.7 Case Reviews

The purpose of the case review is to ensure the monitoring of the offender's compliance with the conditions of the order, summarise overall progress on the Order and to assess the appropriateness of interventions. The review also acts as a quality assurance process aligned to CCS standards.

- Reviews are to be completed by the EJS due date. Reviews are completed by the case manager, reviewed, and approved by a Senior Officer.
- Details of how to conduct an EJS review are contained in the EJS Training Manual Module 9.

Table 4: Frequency of Reviews

Complex, High Profile/Major Offender	High Risk or Priority 1	Moderate Risk or Priority 2	Low Risk or Priority 3
Based on risk or priority rating	Within six weeks then every 3 months	Within six weeks then every 6 months	Within six weeks then every 6 months

Case managers are required to:

- utilise the CCS review checklist and upload on EJS. Uploading the checklist means that additional comments on EJS are not mandatory, however they may be added by the case manager where deemed necessary; and
- submit brief reviews for offenders whose case is listed as contravention until the expiry of the Order or discharge

SCCOs are required to:

- enter comments noting progress, any areas that require attention or relate to risk, and further actions required by the case manager;
- review the case plan, with a follow up date to be set for any unfinished plans or those requiring further work as identified by the Senior Officer;
- having reviewed the checklist uploaded by the case manager, ensure that the file is satisfactory and any outstanding actions are noted briefly in the review; and
- document in the comments section any changes to the frequency of supervision.

1.8 Management of Sex Offenders

- Sex offenders subject to a Court Order are required to be allocated to a LCCO.
- Sex offenders are required to be managed as a Priority 1 until the Static 99 or RSVP risk assessment is completed.
- The assessed risk completed by SOATS is to be recorded in EJS. If a sex offender's risk is reassessed during the Order period liaison is to occur with SOATS or DFATS to confirm risk level and reflected on EJS.
- It is a requirement that a LCCO has completed Sex Offender Training prior to allocation of a high or moderate high Static 99/RSVP or Priority 1 sex offender.
- In the absence of an appropriately trained LCCO, at a minimum, the offender will be co-supervised by a SCM and LCCO or allocated to a SCM based on assessment of risk by the Regional General Manager in consultation with the Operations Manager and Principal Practitioner.
- Priority 1 sex offenders are to be subject to a CMRM within the first six weeks of order commencement.
- At a minimum, a PP and/or SCM are to provide a consult to the case manager and/or SCCO within six weeks of order commencement for Priority 2 and 3 sex offenders. This may occur within the CMRM process.
- Sex offenders subject to a Court Order and case managed by a LCCO will be managed as per the case management interventions outlined in Section 1.3. The Good Lives Model (GLM) is not required to be utilised for sex offenders subject to a Court Order, unless they are allocated to an SCM.
- Case managers can request assistance from SOATS, at any time throughout the duration of an Order, by emailing **DOJ-CV-SOATS** inbox where their query will be allocated to the appropriate staff member. Issues can be discussed at the time of the consultation and a file review may also be requested if case workers have concerns about the offender's dynamic risk factors despite a low risk assessment.

1.9 Suspensions for Court Orders

Under Section 48O of the *Sentencing Act* 1991, an order may be suspended if an offender is ill or in other exceptional circumstances.

Suspensions are not to be utilised to support the completion of mandated programs.

When completing a suspension the case manager and Senior Officer are required to complete the following:

- Document OM/GM's approval if an order is suspended beyond three months
- Case manager is to submit a suspension on EJS for approval
- Senior Officer is to ensure days/period selected is accurate and EJS reflects the correct expiry date of the order at all times prior to approval
- Once a suspension is approved, print out a copy for signing by a Senior Officer and offender
- A copy is to be provided to the offender and a copy placed on the offender's file and face sheet updated.

If the Court has indicated a delayed start date for a specific condition, the Case Manager must:

- Complete a suspension in EJS (select "other" as the reason do not use the delayed condition start date option until further advised)
- Update the face sheet under the Order details section with information regarding the delayed condition dates
- Set an 'other' reminder in EJS with the dates of delayed conditions

Refer to Practice Guidelines for the management of suspensions due to hospitalisation or other critical health issue.

1.10 CCO Imprisonment Orders

- At completion of assessment, the file and case are to be transferred to the nominated reporting location with all relevant information.
- In the event that an offender is unsure of their intended residence upon release, the assessing location is to retain the CCS case and file and liaise with relevant prison case manager regarding pre release activities to identify an address.
- The Order is to be associated on EJS and set to a status of pending release. The 'CCS start date field' in the order details screen is to be left blank. A bring up reminder for the relevant case manager is to be set for three weeks prior to the offender's EJS Earliest Eligibility Date (EED)
- Three weeks prior to the offender's release the allocated case manager is to:
 - Confirm the scheduled release date with the prison
 - Liaise with the prison case manager to establish any known issues, treatment requirements and transitional needs, confirming proposed address and providing information regarding reporting date.
 - Review any relevant program information on CVIMS
 - Consider Order conditions, program completion or unmet program needs. Where there is a misalignment between the order conditions and the offender's current

circumstances the case is to be discussed with a Senior Officer regarding possible Application to Vary.

- Send a letter to the offender with an appointment scheduled within two working days of release.
- If the offender fails to report as scheduled, inquiries are to be made to check that the offender was released. If the offender was released investigation of the absence is to commence.
- Upon the offender being released (irrespective of whether they reported or not) the 'CCS start date field' is to be completed and status 'set to current'.

1.11 Co-Resident Notification

In some cases, it may be considered an unacceptable risk for two supervised offenders to reside at the same address. Case Managers are to manage any residential risks and monitor compliance with restrictive conditions where a co-resident notification is received from E Justice.

Upon a Case Manager receiving an E Justice co-residence notification, the following process is to be applied:

- Investigate whether the address details represent a shared accommodation facility such as crisis accommodation centre, residential rehabilitation centre or any other supported housing and determine if co-residency breaches any restrictive conditions.
- In consultation with a Senior Officer, a determination is to be made of potential escalation of risk to re-offending or concern for community safety.
- Consultation may be considered by a Senior Officer with CV Intel, VicPol or DHS if further information is required.
- Senior Officers are **required to consult with the DOJ Privacy Unit** prior to disclosing any information to the relevant offender/s.

1.12 Sentenced to Imprisonment

Offenders, can at times, be sentenced to periods of imprisonment during the operational period of their order for offences that predated the imposition of the order, and therefore do not constitute a contravention. In these circumstances, the following is to occur.

If the sentence is less than 3 months:

- Suspend the order for the period of imprisonment
- Send the offender a suspension while in custody letter. The offender is to be directed to report to a nominated CCS location within 2 working days of their release from custody
- Case to be allocated and a bring up reminder set in EJS for six weeks prior to the release date. Contact is to be made with the offender six weeks prior to release to confirm current information and reporting requirements.

If the sentence is greater than 3 months:

- A Senior Officer is to inform the offender of their options relating to an application to the court to have the Order varied.

1.13 Testing Frequency – Urine Screens

Offenders are to be tested for drug and/ or alcohol use in the following circumstances:

Basis for testing	Testing frequency
<p>Treatment and Rehabilitation condition - COATS assessment recommends testing</p> <p>Treatment Provider requests offender to be tested to assist in the delivery of effective treatment and confirm what substances the offender is using</p>	<ul style="list-style-type: none"> ○ A minimum of <u>once every two weeks</u> over a 12-week period, with a further <u>two random</u> tests within that 12-week period i.e. 8 tests in 12 weeks ○ Further testing for the duration of the order as required as determined by a Senior Officer ○ Immediately direct offender to submit to one urine test
<p>Residual condition on CCO stipulating abstinence from drugs</p>	<ul style="list-style-type: none"> ○ If specific regime of testing is stated on the order by a Magistrate or Judge, adhere to this. ○ If not, a minimum of one test within a four to six week period for the duration of the Order or ○ At the determination of a Senior Officer, more than one test within a four to six week period, at random intervals, if concern exists to an offender's use.
<p>Treatment and Rehabilitation condition – NO testing recommended by COATS</p>	<p>Testing may occur at Senior Officer discretion when:</p> <ul style="list-style-type: none"> ○ there is reasonable belief that an offender is under the influence of illicit drugs but they deny use ○ there is reasonable belief that under the influence of illicit drugs the offender will have in an increased risk of self-harm, or that drug use will substantially increase risk of offending behaviour, or there is a past mental health issue that may put them at serious risk of harming themselves or another person ○ A minimum of one urine test as required.

With the exception of the above mentioned circumstances, an offender cannot be given a lawful direction to participate in urine testing.

Frequency of testing should not be communicated to offenders as this may increase the likelihood of attempts to manage use around scheduled testing.

1.14 Management of positive tests

- Case managers are required to discuss test results with a Senior Officer to ensure accurate interpretation prior to discussing with an offender. Further information on interpreting test results is located at **Q:\CCS\Dorevitch folder**. If the offender is engaged in an episode of AOD treatment, the results are to be communicated to the AOD treatment provider.
- Where an offender tests positive and in consideration of other factors (overall compliance and progress, abstinence condition, increased or decreased use indicated in test results) and has been discharged from treatment, the case manager, in consultation with a Senior Officer is to consider a re-referral through the COATS service.

- Where an offender continually receives positive test results contravention may be considered by a Senior Officer, taking into consideration other factors such as progress on order, compliance and engagement with AOD providers in addressing drug issues.
- Test outcomes which suggest a diluted sample are to be discussed with the offender and a warning considered by the Operations Manager or delegate.
- Where an offender returns a positive test result **and** is subject to a residual condition stipulating abstinence from drugs a Final Warning is to be issued within one week by the Operations Manager or delegate. Any further positive test outcomes are to result in an automatic return to court.

1.15 Breath testing for alcohol

- An alcohol abstinence condition may exist on a Court Order, as a residual condition. Breath testing **must** occur in these cases.
- Offenders **may be** considered for breath testing at the discretion of a Senior Officer where they are reasonably suspected of being under the influence of alcohol upon attendance for an appointment/program, irrespective of whether they have an abstinence condition on their order.
- If an offender refuses to submit to a breath test, they are to be issued with a direction to do so and are to be informed that refusal will be managed as a non-compliance issue.
- Where an offender returns a positive test result **and** is subject to an abstinence condition a Final Warning is to be issued by the Operations Manager or delegate within one week of the second positive test. Any further positive test outcomes are to result in an automatic return to court.
- Refer to *Practice Guidelines – 2.6 Conducting breath tests*

1.16 Management of Restrictive Conditions

The Court may impose the restriction on movement and association via the following Order conditions:

- Curfew
- Residence Restrictions / Exclusions
- Alcohol Exclusions
- Place / Area Exclusions
- Non- Association
- Approval for variation to any of these conditions, **in exceptional circumstances (e.g. death or natural disaster)** must be approved by the Regional General Manager. In all other instances, the matter must be referred to the court for consideration via the application to vary process.
- 24 hour monitoring by the Electronic Monitoring Centre (EMC) may apply for curfew and place/area exclusion conditions where an Electronic Monitoring condition exists. Other restrictive conditions are not monitored by EMC. In the event of alleged non-compliance to an unmonitored restrictive condition from a notifying body (e.g. Victoria Police or family member), the case manager is to commence an investigation on the day of receiving the notification
- Where there is evidence of escalating risk factors or evidence of suspected non-compliance with restrictive conditions, the case management must consult with a Senior Officer.

- Refer to *Deputy Commissioner's Instruction - 10.3 Non-compliance Management* and *Deputy Commissioner's Instruction – 2.3 Electronic Monitoring* for further information.

1.17 Management of Judicial Monitoring (JM)

This condition requires case managers to complete a *Judicial Monitoring report* to assist the court in reviewing the offender's progress and compliance on the order. This report must be submitted to the Senior Officer two weeks prior to the scheduled hearing.

Case manager requirements:

- Set a reminder in EJS for the Judicial Monitoring Court date.
- Ensure that updates on treatment and program attendance are obtained and included in the report.
- Where an Administrative Review Hearing (ARH) has occurred and the outcome involved a fine, the single non compliance event listed on the infringement notice **is not** included in the JM report unless CV has withdrawn the fine.
- If the offender fails to appear for JM hearing and a Bench Warrant is issued, contravention proceedings are to commence. Refer to Deputy Commissioner's Instruction 10.4 *Contravention of Court Orders* for more information.

Senior Officer requirements:

- Forward the JM report to the relevant Court Advice Senior if required and forward a copy to the applicable Magistrates' Court Registrar or County Court Judge's Associate within 7 working days of the Court date.
- In the case of Melbourne Magistrates' Court hearings, fax the JM report to the Criminal Coordinator (Fax: 9628 7808) and email to CSU staff via **DOJ-North Metro Region-Court Service Unit-CCS Staff** for all Melbourne Magistrates' Court and County Court hearings.
- Upon specific request, the JM report is to be provided to the offender and/or legal representation, VicPol or the Office of Public Prosecutions.

Court Advice Officer requirements:

- A CCS representative is to be in attendance to provide assistance in the event of any questions or issues arising during the JM hearing.
- In the event an offender fails to appear for a scheduled JM hearing seek the matter be stood down to determine offender's possible whereabouts and recommendation from Senior Officer and/or case manager for most appropriate course of action, eg, adjournment, bench warrant.

1.18 Crediting Community Work Hours through Program Participation

- Section 48CA of the *Sentencing Act 1991*, provides that if a Court attaches both an unpaid community work condition and a treatment and rehabilitation condition to the order, the judge or magistrate may determine that some or all of the hours satisfactorily undertaken are to be counted as hours of unpaid community work.
- If a Court makes a determination that hours undertaken may be credited but does not specify the number of hours, then all of the hours satisfactorily undertaken for treatment and rehabilitation are to be counted as hours of unpaid community work.

- Only Community Work hours attached to the CCO are eligible for crediting. An offender may have hours that result from a Fine Default Order or Community Work Permit that they also have, and these hours cannot be considered when crediting.
- Refer to *Practice Guidelines – 2.5 Management of Crediting Community Work through Program Participation – Court Orders only* for administrative process

1.19 Exit planning process – Transition from CCS supervision

Dependent on the length of the order, exit planning should commence within four to eight weeks of Order expiry and address the following:

- Any post supervision anxiety, dependence issues or over-reliance on Case Manager
- Ensuring the offender has full details of community agencies from which appropriate services can be obtained if required in the future and relationships with such agencies initiated where possible
- Confirmation of the completion of all conditions on the order
- Reiteration of the offender's achievements during supervision
- Reinforcement of behavioural goals; relapse prevention strategies etc
- List of emergency/crisis telephone numbers, and
- Explanation of the discharge process (LEAP update).

Police Checks – LEAP (criminal history)

A LEAP report will include all matters that are still under investigation or are awaiting approval for charges to be laid.

1.20 Commonwealth Orders

Courts, when sentencing offenders for Commonwealth offences, are able to impose recognizance release orders pursuant to Section 20 of the Commonwealth *Crimes Act* 1914.

Unlike other supervised orders, Section 20 of the Commonwealth *Crimes Act* 1914 does not require a court to obtain a Pre Sentence report prior to the imposition of a recognizance release order. There are also no core conditions attached to this sentencing option.

A standard proforma order has been drafted that the CDPP will present to the sentencing court when this type of Order is being considered. This draft order includes conditions that mirror the core conditions of a CCO. This proforma is only a suggestion to the court, and an order is still valid if it is created without using the suggested form.

Commonwealth orders are to be managed according to their risk level as CCOs taking into account the nature of the offences. Breaches of a Commonwealth Order are to proceed as per DCI 10.4. Contravention of Court Orders.

1.21 Independent Broad Based Anti Corruption Commission

The Independent Broad Based Anti Corruption Commission (IBAC) is an independent anti-corruption agency. Its role is to ensure that the public sector maintains the highest ethical and professional standards. IBAC investigates serious corrupt conduct and Police misconduct across the Victorian public sector.

Should a case manager become aware that an offender being supervised by CCS is involved in an IBAC investigation, they are not to disclose this involvement with any agency, including Victoria Police.

Rod Wise
Deputy Commissioner, Operations

Information below this point is administrative supporting detail only and not subject to the Deputy Commissioner's review or approval.

Acronyms	
EJS	E*Justice
DFATS	Disability Forensic Assessment Treatment Service
SOATS	Specialised Offender Assessment and Treatment Service
CMRM	Case Management Review Meeting
MACNI	Multiple and Complex Needs Initiative
GLM	Good Lives Model
COATS	Community Offender Assessment and Treatment Service
EMC	Electronic Monitoring Centre
IBAC	Independent Broad Based Anti Corruption Commission
DHS	Department Human Services

Definitions	

Associated Deputy Commissioner's Instructions	

Document Detail	
Title:	Case Management – Court Orders
TRIM:	CD/14/538583
Owner:	Deputy Commissioner, Operations

Document Version Control

Version Control			
Version	Date	Description	Author

2 Practice Guidelines

2.1 Function of the Duty Worker

The role of duty worker varies from location to location but is essentially a service provided to ensure a continuum of care to offenders in the absence of the supervising officer.

It is not acceptable for an offender to be referred to the duty worker as a matter of course.

It is considered best practice for the supervising officer to see the offender, however, if an offender presents at a location unannounced and the supervising officer is not available, administration staff will refer to the duty worker.

The duty worker is to:

- Consult with a Senior Officer and to determine who is to see the offender.
- Interview the offender and ensure any outstanding administrative and/or case management tasks are completed. This may require SASH assessment and/or addressing other presenting concerns.
- Where required, consult with a Senior Officer to discuss any areas of concern.
- Schedule a further appointment to see the supervising officer
- A file note is to be completed to outline actions taken.

2.2 Taping of Interviews

Although it is not a common occurrence, from time to time offenders will inform staff that they have taped interviews with their Case Manager or request permission to tape an interview with a Case Manager.

Where an officer is faced with a request to tape an interview or becomes aware that interviews have been taped they must discuss this with a Senior Officer to determine an appropriate response. Unless there are exceptional circumstances, given the capacity for tapes to be doctored or altered by one party, the request to tape should be refused.

2.3 Case Conferencing

The structure and frequency of case conferencing activities is determined on an individual basis. Case conferencing should be considered in cases where the offender has multiple complex needs and/or is engaged with multiple (internal/external) service providers and/or where a number of changes to dynamic risk factors have been identified.

Each case conference is to be documented and a record of agreed actions noted on the offender file. In the instance of an offender attending a case conference, a copy of agreed actions must be provided to the offender.

Representatives from internal departments and external agencies involved with the offender may be invited to attend a case conference if a complex discussion of an offender's management is required.

In some instances, it may be appropriate to invite the offender to attend a case conference; however, staff are to be aware of how challenging this may be for some offenders. It may be more appropriate to conduct a meeting between the Case Manager, the relevant SCCO (or above) and/or the OBP clinician and the offender prior to the larger group case conference. Care must be taken to ensure that this action is not seen to be intimidating to the offender, and should involve only those staff directly involved in a case.

Offenders are to be advised that they are scheduled for a case conference. In these instances the case manager should explain to the offender – the role and purpose of the intended meeting, participants attending, likely duration of the meeting, and if considered appropriate invite the offender to participate if they would like to have input into the case planning process and access to the views of other staff. If the offender nominates their preference to attend the case conference, and in fact does attend, care must be taken with the content of the discussion, the impact it may have on the offender and the extent to which sources of information are disclosed.

Where an offender accepts the invitation to join a meeting, it is appropriate for the Case Manager to go through the information they will provide to the meeting with the offender before the meeting. The Case Manager can also invite the offender to consider his or her own solutions to supervision issues, and presents these at the meeting.

2.4 Management of Crediting Community Work through Program Participation

Refer to Section 48CA of the *Sentencing Act 1991*

- Crediting of hours to reduce the number of community work hours outstanding will not be an automatic entitlement. Criteria, which could affect the number of hours credited, include:
 - No hours available to credit
 - Poor attitude/behaviour/motivation during the program
 - Failure to participate (and whether suitable reasons were provided)
 - Withdrawal from program
 - Absences
 - Participation in assessment, for either a program or treatment, will not count towards community work credits.
- To minimise the amount of paperwork, requests for crediting hours should be no less than four hours at any one time in total (e.g. four x one hour counselling sessions in the month). Fewer hours can be claimed, when the remaining hours to be credited to complete the process amount to less than four hours.
- As a general policy, any approved external program/ treatment must address offending behaviour, contribute to rehabilitation, or have a therapeutic component, which addresses offence related needs. There is no basis for educational only programs to be credited.
- Where a program is a region specific program the exercising of discretion around the crediting of Treatment and Rehabilitation program attendance towards community work, sits at the OM/GM level, including approving suitable externally delivered programs.
- The selection of eligible Programs will be based upon:
 - Any existing and approved CV Program designed to reduce re-offending
 - Any other programs, residential rehabilitation facility and program attendance or individual counselling relevant to the offending and approved by OM/GM, as determined at a regional level according to suitable programs available in the region. Such programs could include Drug and Alcohol treatment, individual counselling, Residential Rehabilitation, Road Trauma Awareness Program etc.

2.4.1 Administrative Information

- When an offender is accepted into a program, a Senior Officer is to determine whether to reduce community work for the duration of the program, taking into account the hours and time remaining on the order.
- The case manager is required to inform the community work team of the offenders requirement for community work taking into consideration program hours
- Case managers are required to monitor attendance at programs and subsequent crediting of hours to ensure that there is sufficient time on the Order to complete any remaining outstanding community work.
- Senior Officers are required to assess suitability for credit at the completion of the program and complete the Crediting T&R Program Hours as CW Approval form.
- Case managers are required to enter CW hours credited for programs as a manual credit and submit to Senior Officer for approval.
- Case managers are to email community work team, advise of reduced hours and recontract to community work if required, for any outstanding hours.
- Should hours be mistakenly entered, utilise the Entered in Error function in EJS to reverse the entry

2.5 **Conducting breath tests and Calibration Requirements**

- Calibration of the Lion Alcolmeter SD-400 units is the responsibility of each CCS location and each region, and must be carried out by a trained staff member once a month to ensure accuracy of readings.
- Refer to the "Lion Alcolmeter SD-400 User Handbook" and the Calibration Kit manual for further information. Detailed instructions regarding the calibration of the Lion Alcolmeter can also be located in **Q:\CCS\Breath Testing**.
- Staff conducting a breath test must have undergone the relevant training in how to correctly use the Lion Alcolmeter SD-400 handset.
- When conducting a breath test, case managers are required to:
 - Ensure that the Lion Alcolmeter SD-400 unit is connected to the portable thermal printer prior to the offender submitting for the breath test
 - Have an additional staff member attend the interview room to witness the breath test, where the offender has an abstinence condition.
- Case managers are required to:
 - File note when a breath test has taken place or when any discussion occurs regarding a breath test.
 - Remove the print out of results from the portable thermal printer, which will print immediately following the breath test.
 - Ensure the offender's name and JAID are filled out on the print out of results and that it is signed by both the offender, the administering staff member (and staff member who witnessed the breath test, if it was for an offender with an abstinence condition).
 - Photocopy the print out of results and place the photocopy on the offender file (this is due to the print out fading over time).

2.6 Home Visit Considerations

Home visits may be conducted for a number of different reasons eg, welfare concerns, case management strategy, the offender has a chronic illness and home visits occur as a supervision strategy, transfer of interstate order, offender is a sex offender with home visit conducted within the first six weeks.

Staff are to ensure regional safety and security measures are adhered to when conducting a home visit.

When conducting a home visit staff are to consider the following:

- What is the purpose of home visit, and what information is being sought and for what use?
- Identified risks of offender
- Environmental factors associated with risks and protective factors
- Does discussion need to occur with co-residents?
- Relationship dynamics with co-residents
- How does the information support the management of risk and further case management strategies.

The outcomes of home visits are to be documented on a file note. In the case of a home visit completed for a sex offender, the CCS Home Visit - Sex Offender template may be utilised.

2.7 Requests from DHS

Where DHS requests information from CCS in relation to an offender subject to a Corrections Order, staff are to refer to DHS/CCS Fact Sheet on CCS forms which outlines the responsibility of both organisations in the management of information related to offenders.

If CCS are contacted by DHS requesting information specifically related to treatment assessments undertaken by SOATS for sex offenders they must advise DHS to contact:

Ms Judith Rose
 Senior Program and Policy Advisor
 Office of the Principle Practitioner
 Phone 9096 7478 or email judith.rose@dhs.vic.gov.au

2.8 Suspensions – Hospitalisation

During the operational period of an Order, it is possible that an offender's mental health may deteriorate to a point where they require long term commitment to a psychiatric institution, or that their physical health requires long-term hospitalisation. In these instances, consideration needs to be given to the conditions of the Order and the offender's ability to comply with these conditions.

If the offender is unable to comply with the conditions of the Order for a period greater than three months, an Application to Vary should be made by the offender.

There may be occasions; however, where it is possible for certain conditions to be complied with. For example, an offender subject to a CCO with Supervision and Assessment and Treatment conditions is committed to a psychiatric unit for an indefinite period. This Order does not need to be returned to court because the conditions can be satisfied by the treatment received in the institution and by CCS continuing to monitor the status of the offender for the duration of the Order.

However, if the Order also had a community work condition with outstanding hours, upon the offender's admittance to the psychiatric institution, if it is not possible for these hours to be completed, then an Application to Vary the order to remove the community work condition needs to be made.

In the rare case where an offender's mental state is such that they are unable to comprehend the nature of the proceedings, and they have no legal representative/advocate/guardian, a Senior Officer must correspond with the Sentencing Magistrate or Judge (if they are no longer presiding with the Senior Magistrate or Chief Judge) about the specific circumstances relevant to the offender and the difficulties that CCS is experiencing in administering the Order. CCS should seek a direction from the court regarding the court's expectation about the future management of the Order. In the absence of any direction from the Court, CCS will continue to monitor the Order until its expiry. Upon expiry of the order, CCS must notify the court of the offender's status and, if there has been no change in the offender's circumstances, the decision to administratively discharge the order.

2.9 Risk Management

Risk management requires the analyses of available data to identify the risk that something will happen, how adverse the impact will be, determining the response to the risk, and monitoring and/or controlling the risk. In case management it involves managing an offender's potential harm to themselves, the community, staff, and the organisation/government as a whole (e.g. negative media exposure). In general, past behaviour provides an indicator of future behaviour.

The role of both the Case Manager and the Senior Officer in offender risk management therefore includes, but is not limited to, ongoing holistic consideration and monitoring of:

- Past behaviour (offending history/patterns) as an indicator of future risk, e.g. length and nature of criminal history, violent offences, contributing factors in offending (relationship issues, substance abuse, etc) and how these are connected with offending;
- Extent of harm to the community/individuals in offending, e.g. criminal history involves significant domestic violence. Alternatively, an offender may be deemed a low risk of general offending; (LS/RNR), but use of a particular drug results in more serious offending/significant harm to victims;
- Association with other offenders/negative peer associations and the historical or potential impact on offending behaviour and risk, (e.g. female offender's drug use across time influenced by drug use of partners);
- Trends in the case and file pertaining to potential risk, (e.g. patterns of lapse-relapse prior to serious offending, relationship breakdown predicates increasing domestic violence);
- Changes in areas assessed by the LS/RNR, e.g. family and other relationships, employment and financial status, mental health, etc;
- Changes in compliance with medication (e.g. mental health issues);
- Risk of suicide and self-harm;
- Residential/other special conditions on the order;
- The relationship between current presenting behaviour/attitudes and risk of re-offending;
- Compliance – history and current, including engagement in supervision or treatment. Compliance management is not simply about counting absences against procedural requirements, but assessing the impact of compliance on risk;
- Lapse/relapse into active substance use, including when/how often this has occurred during previous and current order/s, and

- Development, implementation and monitoring of a case management plan with, which reflect and targets changes in offender presentation, compliance and risk in a timely manner.

Red flags in case management would include, but are not limited to:

- Drug lapse/relapse, particularly where the drug of choice is connected with past offending;
- Offender with history of domestic violence residing with victim, female friend of another offender;
- Offender residing with another offender/co-offender;
- Accommodation proposed for release onto parole with relative/friend of another prisoner;
- Further police contact and/or interest since order commencement;
- Breakdown in significant family relationships or support;
- Loss of accommodation;
- Death of a loved one;
- Threats of harm to self or others, which includes aggressive and abusive behaviour towards staff;
- Offender with blood borne virus reports unprotected sex whilst under the influence of drugs and alcohol; and
- Child sex offender residing with children, partaking in activities that place them in contact with children (e.g. attending movies/activities that are popular with children, taking public transport during peak school times, etc).

Senior Officers are to:

- Utilise their experience and knowledge in risk management to analyse a presenting offender issue in the context in which it is occurring, as a basis for any application of professional discretion.
- Ensure staff understand the difference between offence specific and offence related risk in their case management practice with offenders.
- Develop and monitor staff capability to work within a risk management framework where they continually assess and manage offender potential harm to themselves, the community, staff and the organisation.
- Encourage staff to assess 'the bigger picture' through case management discussions that include communication about the potential correlations between compliance, other presenting issues and potential risk.
- Assist case managers to develop risk assessment and management plans, including timely follow up by the SCCO with case managers of high-risk cases, in particular, and cases involving escalation of risk.
- Ensure supervision/reporting frequency is not reduced where risk factors that increase risk are, or have been identified in a particular case without a thorough risk assessment.
- Ensure the timely reporting to relevant authorities, i.e. Head Office, courts, police, in accordance with operational procedures.
- Ensure that any of instances of occupational violence are reported

2.10 Supervision Sessions

Focused supervision sessions are likely to achieve greater results in behavioural change than less structured approaches to these interviews.

Supervision sessions will undoubtedly attract a range of dynamics between the Case Manager and the offender, e.g. at times staff may encounter avoidance, resistance and denial. Case Managers are encouraged to review the literature on offender thinking styles and in particular develop their own understanding of common offender cognitive distortions so that they may be better able to assist the offender to develop their insight and understanding.

Intervention Strategies

Supervision Sessions require Case Managers to utilise a number of intervention strategies during supervision sessions to assist offenders to reduce their risk of re-offending and manage periods of instability in their life. These include:

Relapse Prevention – is used where there is a pattern of behaviour leading to offending, e.g. substance abuse, sexual offending, shoplifting, gambling or violent behaviour. (In the case of serious sexual offending and/or substance abuse, relapse prevention techniques would not be used in isolation from more intensive/specialist therapeutic interventions. Relapse Prevention techniques can be used to assist offenders to identify the warning signs that may contribute to a relapse and assist them to take positive steps to avoid this; to assist individuals who are trying to maintain changes in their behaviour to anticipate and cope with the problem of relapse.

Pro Social Modelling – Pro Social Modelling suggests that the supervisory relationship can be used as an opportunity for staff to model and reinforce desired pro social attitudes and behaviours in offenders. The intention is that this will lead to an increase in compliance and a reduction in future offending. It involves areas of practice such as challenging antisocial attitudes and behaviours, ensuring a transparent fairness in the application of rules, and presenting a respectful attitude to offenders.

Problem Solving – is a task centred technique where an offender's problems, which have the potential to cause lapses/relapses or re-offending, are prioritised, and tasks are assigned which enable the offender to work through the identified issues.

Harm Minimisation – utilises an educative approach to enable drug users to adopt safe drug using practices in order to reduce the risk of harm to themselves, their immediate contacts and the wider community.

Conflict Resolution/Management – is used as a means of assisting offenders who have difficulties managing interpersonal conflict to improve their coping, communication and conflict resolution skills.

Crisis Management – is short-term intervention focusing on an offender's immediate critical circumstances or situation, for example, an offender contemplating suicide or experiencing homelessness.

2.11 Centrelink

As many offenders are in receipt of Centrelink benefits, it may be beneficial in case management to work collaboratively with Centrelink staff. Many offenders will have been referred to a Personal Advisor, if they are assessed as requiring more intensive assistance in obtaining employment. Personal Advisors also have the authority to suspend job seeking requirements for thirteen weeks where appropriate.

Centrelink Personal Advisors have the ability to provide funded programs in literacy, numeracy and job training in addition to referrals to a two year personal support program, where the obligation to seek work may be met through program participation.

Centrelink staff have the capacity to co-ordinate programs and appointments so as not to overburden the offender with a multitude of agency expectations, and is prepared to work with CCS towards common goals.

For further information, refer to the Centrelink Protocol

Centrelink contact number – 13 1021.

2.12 Victims of Crime

Victims of crime may from time to time contact CCS officers requesting information about the perpetrator of the offences. CCS staff are to direct victims to the Victims Register. This register provides an opportunity for eligible victims of violent crime to be provided with specific information about the offender while under sentence or (where applicable) extended supervision after completing the sentence. The Victims Register is a register of victims of crime who have asked to receive information about an adult prisoner who has been convicted of a violent crime against them.

The aim of the Register is to provide timely, relevant and accurate information to victims of violent crime about the prisoner during their period of imprisonment and (where applicable) parole, or (where applicable) subject to an extended supervision order. Individuals included on the Victims Register have a statutory right to send a written submission to the APB before the Board makes a parole order for the prisoner. Placement of victims on the Victims Register is voluntary and will only occur upon the victim forwarding a written application to the Registrar, Victims Register.

Contact details for the Victims Register are:
Registrar, Victims Register
GPO Box 4349
MELBOURNE VIC 3001

Telephone: 1800 819 817 (ask for the Victims Register Co-ordinator)
Fax: (03) 8684 6738
Email: VictimsRegister@justice.vic.gov.au

The Victims Register is part of the Victims Support Agency (VSA) a business unit of the Victorian Department of Justice. The VSA is responsible for coordinating a whole of government approach to services for victims of crime in Victoria and for representing the interests of victims in the criminal justice system.

The Victims of Crime Helpline, VSA, provides information, advice and referrals to help victims manage and recover from the effects of crime. Helpline staff speak a number of community languages and an interpreter service is available.

Contact details for the Victims Support Agency and Victims of Crime Helpline are:

Victims of Crime Helpline: 1800 819 817

Translation and Interpreter Services Line: 131 450

Victims Support Agency
Department of Justice
GPO Box 4349
Melbourne VIC 3001
www.justice.vic.gov.au/victimsofcrime

Telephone: (03) 8684 6700
Fax: (03) 8684 6777

Email: DOJ-CV-Victims Register

2.13 Supervising Specific Offender Groups

As CCS supervises a complex mix of offenders with varying needs and backgrounds it is necessary to maintain the capacity to apply differentiated offender management practices.

This means that case managers are aware of the different needs of different types of offenders, and can apply various supervision strategies as appropriate, particularly where the following groups of offenders are concerned:

- Women offenders
- Indigenous offenders
- Young adult offenders
- Offenders who use alcohol and/or drugs
- Multiple and Complex Needs offenders
- Mental health offenders
- Offenders with a disability
- Disability services offenders
- Culturally and Linguistically Diverse Offenders

Research indicates that the vast majority of special needs offenders are returned to court on breach action because they fail to comply with conditions, rather than due to further offences. By varying standardised practices to suit the individual needs of some offenders, CCS has an opportunity to increase the likelihood that they will successfully complete their orders.

For administrative referral information please refer to DCI Contracts, Referrals and Testing.

2.14 Supervising women offenders

As part of the initial induction process, Case Managers must advise women offenders of their right to request supervision by a female officer, and that program allocation will take into account their requests relating to carer and gender issues wherever it is practicable, unless it becomes apparent that the offender is taking advantage of the situation.

CCS locations should establish strong, formal partnerships with service systems such as sexual assault services, domestic violence services, women's health services, child protection authorities and educational services through their women's portfolio holder. These partnerships should aim to deliver dedicated access for women offenders, co-located and/or integrated service delivery and coordinated case management, including on-going support arrangements.

In managing women offenders, Case Managers should consider:

- Providing women with clear, accurate, accessible and timely information in relation to rules, regulations and other relevant correctional processes
- Actively encouraging personal responsibility and self-reliance by maximising women's participation in, and control over, case planning and delivery
- The centrality of children and childcare responsibilities, family and other relationships in women's lives. This may mean incorporating a woman's personal goals in relation to parenting and/or family reunification into broader offender management planning. Accessing services (such as the Childcare and Transport Subsidies Program (CCaTS)) should be considered to assist women to balance their correctional obligations with primary carer responsibilities.
- The need for appropriate collaboration with women and their partners, children and/or community networks may involve negotiation with community agencies for the provision of flexible programs and program hours to provide placements during school hours and/or to provide childcare.

- The option of outreach and home visits for women offenders. Each individual situation needs to be considered on its merit and Case Managers must conduct home visits in pairs at all times. The primary consideration for supervising officers involved in (any) out-of-office offender contact is personal safety – always erring on the side of caution
- Supervision arrangements, which take into account women's primary carer responsibilities and involve disruption to women's lives, are kept to a minimum. This includes consideration when setting up multiple appointments with external agencies for women of what is achievable for women offenders.
- Case conferencing for women involved with multiple human service agencies. These conferences should be supported by formal protocols between CCS and other service systems, ensuring that women offenders have full knowledge of, and access to, all services available to them.
- Formal interagency partnerships with relevant community based service providers to address women's multiple and diverse needs and provide the option of a continuing relationship beyond their correctional order
- Provision of opportunities for women to address, in a supportive environment, interrelated issues of mental health, substance abuse, past trauma and victimisation as part of a broader intervention plan
- Caseload levels that acknowledge the intensity and complexity of work with many women offenders and the extra demands that may be associated with children and other family members
- Provision of community work opportunities that accommodate children, including for example, use of home-based work, sites with childcare and group based work that includes children and no cost options for childcare. Women offenders are not to be placed on all male community work crews – for further information select DCI 9.2 Community Work.
- Provision of opportunities for women to improve their life circumstances through the provision of appropriate education, practical advice, assistance and skills development. This also includes educational and vocational pathways that are relevant to women's needs and acknowledge the difficulties associated with gaining employment post release.

While these recommendations presuppose centralised relationships with other agencies, CCS locations can initiate certain arrangements with local services for the benefit of the women offenders under their supervision.

Provided the tenets of differentiated offender management are adhered to, and particularly the principle of responsivity, flexible supervision strategies should be employed to ensure women offenders have the best possible chance of successfully completing their order. In some instances, this may mean a departure from usual practice.

Creative solutions to new challenges will need to be discussed with a Senior Officer, however Case Managers should be encouraged to design appropriate supervision strategies based on an individualised approach.

- For information on the Childcare and Treatment Subsidy Program (CCATS) refer to DCI 2.2 Management of Contracts and Referrals

2.15 Supervising Indigenous offenders

Effective supervision of Aboriginal offenders requires knowledge and appreciation of, and demonstrated sensitivity to, the cultural needs of this group of offenders. All Case Managers supervising Aboriginal offenders are to complete the Cultural Awareness Training Program provided by the Department of Justice.

An enhanced model of supervision for Aboriginal offenders includes;

- Collaborative and flexible approach to case management with local Indigenous service providers, resulting in regular liaison and case conferences between Aboriginal agencies and CCS;
- Increased flexibility regarding reporting requirements, completion of community work hours and program attendance
- Culturally sensitive placements for community work and opportunities to complete programs specifically designed for Indigenous offenders.

If Case Managers need more information to better supervise an Aboriginal person, contact can be made with an Aboriginal Corrections Officer, Local Justice Worker (where available) or contact the Koori Justice Unit in Head Office.

Staff should be familiar with the local Aboriginal Community Justice Panel, if available, and comply with local protocols. Staff must also be familiar with the Koori Justice Panel and should convene the panel to meet with an Indigenous offender who is struggling to comply with their order. Koori Justice Panels are only relevant to offenders sentenced by a Koori court. The Koori Justice Panel comprises of one or two Koori community members, the CCS operations manager and the CCS case manager.

2.15.1 Aboriginal Community Corrections Officers (ACCOs)

Aboriginal Community Corrections Officers undertake a restricted caseload of general case management work, and specialist functions to ensure the specific needs of Aboriginal offenders are met. ACCOs also provide a case consultancy role to other case managers regarding responsive service provision to Aboriginal offenders and help to develop/maintain relationships between CCS locations and Aboriginal communities/organisations.

2.15.2 Wulgunggo Ngalu Learning Place

Wulgunggo Ngalu Learning Place (WNLP), is a key initiative of the Victorian Aboriginal Justice Agreement phase 2 and is aimed at diverting Aboriginal and Torres Strait Islander people from prison. Wulgunggo Ngalu means 'which way together' and comes from the Gunai Kurnai language.

WNLP is a statewide culturally appropriate residential program for indigenous men 18 years and over who are subject to Community Corrections Orders. Offenders with sexual offences, past and present, are not eligible to participate.

WNLP is located 12km from Yarram in South Gippsland, which is around a three hour drive from Melbourne, and will have the capacity to accommodate up to 20 offenders at any given time. It is anticipated that offenders will participate in WNLP for periods of between 3 and 6 months.

The program at WNLP will cover a range of offence related issues and teach life skills to the participants, with the overall aim of reducing the likelihood of participants re-entering the criminal justice system in the future. Programs and activities will be closely aligned with Koori culture and history.

Offenders participating in the program will be able to fulfil the majority of their order requirements at WNLP.

2.15.3 Case Management

Prior to program entry, offenders will be managed as per the Deputy Commissioner's Instructions.

Upon being accepted into the program, the CCS case manager and the offender's nominated Koori Support worker are to discuss the components of the order that will be

satisfied within the program. The implementation of any conditions outside of the program will be the responsibility of the supervising officer in consultation with their supervisor.

The CCS case manager will also ensure that a COATS assessment, where practicable, is completed prior to the offender commencing at WNLP. This will confirm if any residential detox is required or identify any other drug and alcohol needs. If the offender is already engaged in drug and alcohol counselling at the time of being accepted into the program, then a variation in treatment to the Latrobe Valley Community Health Centre is to be facilitated prior to commencement.

While the offender is residing at WNLP, the CCS case manager is to liaise with the Koori Support Worker (KSW) at WNLP and schedule video-link meetings involving both the KSW and the offender. Subject to the KSW availability, these video-link meetings are to occur fortnightly for the first six weeks and at monthly intervals thereafter. These sessions are an opportunity for the CCS case manager to discuss the offender's progress against their order conditions and against their support plan. The CCS case manager will file note these discussions and complete case management reviews in accordance to the offenders risk level and the offender will continue to be managed by the location that made the referral.

Residents at WNLP can also have a number of weekend leaves during the course of the program, and liaison between the CCS case manager and KSW should occur around when these are taking place. The video-link sessions can also be utilised to discuss proposed leave arrangements and/or family concerns that the offender might have. There is also an opportunity to assist in facilitating a video-link between the offender and their family should the need arise.

2.15.4 Exit Planning

Leading up to the offender's eventual exit from WNLP, the CCS case manager will work with the KSW to ensure that all the transitional needs of the offender are planned, with this process to commence no later than six weeks prior to the scheduled exit time. If the offender's exit requires them to report to another CCS location, the offender transfer processes within the Deputy Commissioner's Instructions should be followed.

In the event that the offender exits the program prior to the scheduled program completion date, WNLP staff will contact the CCS location to obtain an appointment time with the offender's CCS case manager. The CCS case manager will fax the direction with an appointment time to attend at the CCS location and WNLP staff will hand this to the offender.

In the event that the offender leaves the program without notice, WNLP staff will notify the CCS location by 9:00am on the next working day.

Within 10 days of the offender's exit from the program, WNLP staff will provide a written exit report to the CCS case manager regarding the offender's response to the program.

The Gippsland CCS Regional General Manager, will conduct regular meetings with the management and staff of WNLP. Systemic issues regarding the centre are to be forwarded to the Gippsland RGM in the first instance or the Assistant Director, CCS..

2.15.5 Local Community Justice Worker Program

Local Justice Workers employed by Koori community organisations act as a key point of contact between the Koori community and Justice Agencies.

They assist Koori offenders to complete community-based orders, link into development programs run by service providers and ensure appropriate options are available for community members to resolve outstanding fines.

The program is monitored through the Indigenous Issues Unit and services Koori communities across Victoria, with workers based in Bendigo, Horsham, Wodonga, Echuca, Warrnambool, Lakes Entrance, Swan Hill, Drouin/Warragul, Dandenong, Croydon and western metropolitan Melbourne.

The Local Justice Worker is an important link between Koori offenders on orders, Indigenous organisations, and local justice agencies. Its purpose is to tackle disadvantage and inequity, reduce Koori contact with the criminal justice system, and improve justice outcomes for Indigenous Victorians.

Local justice worker program (LJWP) and Koori offender support and mentoring program (KOSM) implementing agency list

	Project Location	Funded agency	Address
LOCAL JUSTICE WORKER PROGRAM	1	HORSHAM	Goolum Goolum Aboriginal Cooperative 43 Hamilton St, Horsham 53816333, 53816303, 0447314772
	2	WESTERN METROPOLITAN	Western Suburbs Indigenous Gathering Place 200 Rosamond Rd, Maribyrnong, 9318 7855
	3	BENDIGO	Bendigo and District Aboriginal Cooperative 13-15 Forest St Bendigo 54424947, 0437424947
	4	ECHUCA	Njernda Aboriginal Corporation 84 Hare St Echuca 54826566, 54806252, 0429028650
	5	WARRNAMBOOL	Gunditjmara Aboriginal Cooperative Harris Reserve, Warrnambool, 5564 3333
	6	WODONGA	Mungabareena Aboriginal Corporation 21 Hovell St. Wodonga 02 60247599, 0409831269
	7	LAKES ENTRANCE	Gippsland Lakes Community Health Service 18-26 Jemmeson St Lakes Entrance, 3909 -51558300, 0419109847
	8	SWAN HILL	MDAS 70 Nyah Rd Swan Hill 50325277, 0423594007
	9	DROUIN/ WARRAGUL	Ramahyuck District Aboriginal Cooperative 0448371269 (JP) 0417301585 (AK), Morwell 51365100, 0418512871 (FG)
	10	DANDENONG	VALS 273 High Street, Preston (PO Box 52) 94185999 Toll Free - 1800064865
	11	CROYDON	Mullum Mullum Indigenous Gathering Place 3 Croydon Way, Croydon VIC 3136 Phone 9725 2166.

KOORI OFFENDER SUPPORT AND MENTROING PROGRAM	1	SHEPPARTON	Rumbalara Aboriginal Cooperative	20 Rumbalara Rd MOORoopna 3629 0408252303, 5825 2111, 0403441111
	2	BAIRNSDALE	Gippsland and East Gippsland Aboriginal Cooperative	37–53 Dalmahoy Street PO Box 634 Bairnsdale, 3875 51500700
	3	NORTH WEST METRO	Ngwala Willumbong Cooperative	93 Wellington Street WINDSOR 3181, 150 Separation Street, Northcote 0408591289, 9510 3233
	4	MILDURA	Mildura Aboriginal Corporation	120 Madden Ave, Mildura 3500, 0458076340, 5022 1852
	5	LATROBE	Anglicare Victoria	162 Commercial Rd Morwell 3840 51359500, 0429195134

2.16 Supervising young adult offenders

Young adult offenders do not necessarily function with the maturity and responsibility expected of adults. Factors such as lack of employment opportunities, reduced means of obtaining financial support outside of family, school exclusion and limited independent affordable housing has resulted in young people being dependent on parents and 'care' systems for longer, potentially delaying the maturation process.

The following strategies are encouraged to enhance the supervision of young adult offenders:

- Supervision arrangements that are flexible and allow staff to use outreach supervision such as home/community visits;
- A focus on community work sites that provide vocational and educational opportunities or are consistent with vocational education or training being undertaken;
- Continuity of Case Manager;
- Establishing and maintaining links with other agencies involved with young people and adherence to protocols with Youth Justice Department of Human services; and
- Collaborative approaches to supervision where young offenders are case managed by Youth Justice or other service providers.
- Support provided through Judicial Monitoring
- Consideration of case conferences or CMRM regardless of risk level

2.17 Supervising Offenders who use alcohol and/or drugs

The Corrections Alcohol and Drug Strategy articulate the case management process that occurs for offenders. This process involves CCS liaising with government and non-government agencies to ensure offenders comply with, and successfully complete, their

Orders. For further information, refer to the COATS, Community Correctional Services and Drug Treatment Services Protocol and Protocol between Corrections Victoria, Department of Justice and Disability Services and Department of Human Services.

2.17.1 Attending under the influence

Where it has been assessed that the offender cannot participate in an order requirement on a particular day because they are substance affected, a senior officer must be informed. A risk assessment is to be conducted determining the safety of the offender and inquiries must be made to ascertain:

- What substances were ingested
- Quantity
- Period of time; poly drug use
- If the offender is at risk, emergency assistance is to be obtained by contacting 000.
- Contact is to be made with the offender's GP or treatment agency as appropriate to ensure that an appropriate support plan is in place to ensure the individual's safety, recognising confidentiality and when to breach confidentiality.

These incidents need to be file noted/recorded on a non-compliance form and discussed with the offender at their next appointment.

Where an offender is attending a medical doctor or substance abuse treatment agency, the Case Manager must ensure that the offender signs an 'Authority to Exchange Information' form, and that regular consultation occurs between these agencies and CCS.

2.17.2 Death by Overdose

Case Managers are required to be alert to the following risks:

- Offenders who are released on a CCO Imprisonment Order may be among the most 'at risk' group for accidental deaths due to overdose, particularly during the first weeks of release, for example, where an offender is released on a CCO Imprisonment Order. Tolerance levels may be lower, and the potency of certain illicit substances may be different from when they last used.
- Offenders who may be 'self medicating' with non-prescribed/prescribed substances because of various personal problems, crises or relationship issues in their lives.
- Offenders who drop out of drug or alcohol treatment or those who avoid regular treatment or have significant absences recorded by the treatment provider.

2.18 **Multiple and Complex Needs Offenders (MACNI)**

Those offenders who meet the criteria for MACNI (Multiple and Complex Needs Initiative), as advised by the Regional Director/General Manager will require the supervision of a skilled and experienced worker, and will be supervised by a LCCO or Senior Officer. Case management of this offender group will require the input of multiple services. Agencies, program providers and clinical staff should be involved in a team approach to facilitate the successful completion of orders and implement any ongoing support required as the offender exits the correctional system.

2.19 **Mental health offenders**

Guidelines for supervising offenders with a mental health issue are contained in the Protocol between Mental Health Branch and Community Correctional Services.

2.20 Offenders with a Disability

A number of offenders have a disability, including cognitive impairment (intellectual disability or acquired brain injury), psychiatric disability, sensory or physical disability. The offender's disability may require that, in addition to usual case practice, additional tasks may need to be undertaken.

Case Managers supervising offenders who have a disability are to:

- develop an individualised approach where account is taken of the needs of the offender and their disability, in the context of reducing re-offending, community protection, risk to the community, and self harm
- emphasise their continuing involvement in the community, not their exclusion from it; and work in partnership with other departments or organisations that support the offender.

2.20.1 Intellectual disability

Offenders who are registered with an intellectual disability are required to be flagged on EJustice using the Intellectually Disabled Status (IDS) tickbox flag. Once an offender is allocated to a CCS location, confirmation that they are a registered ID offender needs to be received before the flag is added. The process is as follows:

- SCCO emails the Senior Clinician, CV Disability Unit (with a cc to the Manager, Disability Pathways) to confirm ID status.
- Once confirmation received, SCCO updates IDS flag on EJustice.
- Once the flag has been added, it can only be removed if it was entered in error. In this instance, SCCO is to contact EJustice support.

2.20.2 Physical disability

A more flexible approach to case management may be required when supervising offenders with a physical disability, placing more emphasis on community and home visits. Case Managers need to be sensitive to the likelihood of associated medical problems when supervising an offender with a physical disability. Case Managers, in consultation with community work co-ordinators, program co-ordinators and other service providers, need to ensure that adequate disabled facilities are available prior to a referral being made.

2.20.3 Guardianship

Where an offender has a guardian or administrator appointed under the Guardianship and Administration Act 1986 by the Victorian Civil and Administrative Tribunal – Guardianship List, the Case Manager should ensure that the offender is familiar with the functions of a guardian or administrator. The Office of the Public Advocate is the first point of contact if there is a guardian or administrator.

2.21 Disability Services Clients

The procedure to follow for Disability Services clients after court varies, depending on the type of disposition. When people are sentenced to orders that involve Corrections Victoria, whether they be community based or custodial, collaboration should continue between Disability Services and Corrections Victoria to ensure appropriate supports are in place.

2.21.1 Community Corrections Order with a Special Condition of Justice Plan

When a Disability Services client with an intellectual disability is released on a CBO or CCO with the special condition of a Justice Plan, CCS is responsible for supervising the order. However, Disability Services must monitor the implementation of the plan and assist with arrangements for the offender to meet their conditions, as stated in the plan.

2.21.2 Joint responsibilities of Disability Services, CCS and the offender in relation to Justice Plans

In situations where a person with a disability is made subject to a CCO with special conditions of a Justice Plan, regular communication and collaboration between Disability Services and CCS is important to ensure the order meets the needs of the community and the individual in reducing the likelihood of re-offending. This includes the development of collaborative strategies when issues arise regarding the person's motivation and participation in programs.

The following outlines the joint responsibilities of CCS and Disability Services:

- As for other offenders, CCS is responsible for managing and supervising the offender throughout the duration of the CCO.
- The offender must report to CCS within two working days of receiving the CCO
- After an offender has been released on a CCO with justice plan conditions, the Disability Services worker and the CCS case manager should, as a matter of priority, meet to establish a suitable working relationship based on the roles and requirements of each officer and the best interests of the offender. At a minimum, phone contact between the two parties should occur within three business days.
- Disability Services are able to provide a copy of the justice plan directly to CCS if requested. This will support the ability of the two services to work collaboratively with the offender.
- Disability Services and CCS are to work together and with the offender to identify their expectations.
- It may also be appropriate to develop a contract of responsibilities to enable the offender to have a clear understanding of their obligations and to understand the consequences of not complying.

2.21.3 Review of Justice Plan by the Department of Human Services

Relevant legislation relating to the review of justice plans is the Sentencing Act, Part 3, and Section 81: Review of Justice Plan by Secretary. The review of justice plans is a significant process in the collaborative working relationship between Disability Services and CCS.

The Disability Services case management practice responsibilities in the Review of Justice Plans under the Sentencing Act are as follows:

- Disability Services is responsible for reviewing the justice plan annually, and should involve CCS in the review.
- The justice plan can, however, be reviewed sooner if directed by the court, requested by the offender, or requested by the Secretary to the Department of Justice or their delegate.
- If the justice plan continues to be appropriate, meets the offender's needs and they are complying with the services recommended in the justice plan, implementation of the justice plan should continue.

- If the person is not complying with the conditions of the justice plan, they should be reminded of their obligations to the court and the necessity to comply.
- If the person will not comply with the conditions of the justice plan, or if at the review, the conditions of the justice plan are deemed to be no longer appropriate, it may be necessary to make an application to the court for a review of the justice plan.

2.21.4 Community Correction Order – no justice plan conditions

When a person with a disability is made subject to a CCO with no attached justice plan conditions, CCS is responsible for supervising the order. Although Disability Services does not have specific responsibilities in these situations, the supervising CCO may consult with Disability Services and the two agencies should work together wherever possible to ensure appropriate supports are in place for the offender

2.21.5 Non-compliance

If there are concerns in relation to non-compliance with the justice plan, and the justice plan has been reviewed and determined as appropriate, the Disability Services worker may need to outline their concerns regarding the implementation of the justice plan in writing to CCS, requesting a written response outlining the intended action.

2.22 **Culturally and Linguistically Diverse Offenders**

When supervising CALD offenders, Case Managers are to inquire about their ethnic origins, preferred languages, and assess their comprehension of English. Case Managers also need to be sensitive to cultural influences, which may affect the offender's perceived willingness to comply. Where offenders present with particular cultural needs, these needs will be accommodated as far as possible, including linking the offender with a community agency from the same cultural background.

Culturally and linguistically diverse (CALD) offenders must have information about their case management provided in a manner that ensures understanding.

If required, fully qualified interpreters (not relatives or other offenders) must be used at initial induction (rules and regulations), in the development of case plans, any discussions related to returning to court for contravention action, for programs, or any other discussions where significant welfare needs are being addressed (emotional, psychological). Evidence of the means by which this is achieved must be recorded within the supervisions file note.

The Department of Justice Language Service Policy states:

“A staff member who speaks a language other than English can be used to communicate basic information to a client or a member of the public. Bilingual staff should be used when a basic knowledge is all that is required or where their skills and experience are appropriate to the context of the work to be undertaken. They should not be used for complex matters of law or matters involving a person's rights or responsibilities.”

Further information may be obtained at: FAQs – Language Services Policy and Guidelines for Working with Interpreters and Translators found on J-Info